

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
SPECIAL MEETING MINUTES
July 25, 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, July 25, 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; Vinny Mancuso; John McCartney; and Alternate Bob Jano.

ZBA members not in attendance: John Apple, Vice Chairman; Dan McDermott; and Alternate Ann Brown

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 Bob Jano would be a full voting member. 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 changes cannot be made to the agenda for a Special Meeting, July 2nd, approved 5-0.

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.

Applicant Joseph Yorio and Contractor Louis Yorio approached the board with their proposal to construct an apartment addition. Mr. Louis Yorio gave a brief overview of the nonconforming undersized lot (approximately 1.37 acres). The addition would add approximately 1000 sq. feet to the house. The property has adequate parking to absorb the addition (room for six cars). No setbacks are needed. Evan White noted that the addition would be an accessory apartment and not considered a two-family house. Joe DePaul noted that the Zoning Regulation was incorrectly advertised and that the application would need to be continued until next month. The board saw no problem with the application. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to continue Application # 34-19 for proper re-advertisement, July 2nd, approved 4-0. Application continued.

Application # 40-19: Pascale, 38 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 27'8", 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: 15; Block: 6; Lot: 55&56.

Gordon and Susan Pascale presented their proposal for a vertical expansion requiring a rear setback to 27.8". Mr. Pascale gave a brief overview of the one story ranch which they would like

to turn into a permanent residence. The vertical expansion would remain within the existing footprint and occupy half the area of the house to include a bedroom and a bathroom. Joe DePaul noted that the board is very cautious in approving variances that could impact the neighbor's views. Mr. DePaul noted that it was in the best interest of the applicant to acquire letters from the neighbors stating that they had no objections to the proposal. The Pascale's agreed to pursue the letters and continue and will have their contractor represent them at next month's meeting. Vinny Mancuso made a motion to continue, duly 2nd, approved 4-0. Application continued.

Application # 41-19: Marotta, 33 Warwick Road, for variances to Zoning Regulations 3.2.5A&B, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a vertical expansion. Zoning District: R-44; Map: 17; Block: 3; Lot: 3&4.

Lorraine Martino, representing the applicant, presented the proposal for an addition. The lot is undersized requiring a variance. The rear deck would be eliminated for the addition to add approximately 700 sq. ft. to the existing house. No side setbacks are needed. The board saw no problems with the application. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 4-0. The board discussed that no setbacks were needed and there was a diminimus increase in nonconformity. Joe DePaul made a motion to grant a variance to allow construction of an addition per the plans as submitted; the hardship being the narrow shape of the lot, duly 2nd, approved 4-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the minutes as read, duly 2nd, approved 4-0.

Application # 42-19: King, 4 Charcoal Ridge Road East, for variances to Zoning Regulations 3.0.8A Gazebos, 3.2.5A, 3.2.11 and 7.1.1.1A&B for the purpose of constructing a gazebo. Zoning District: R-44; Map: 24; Block: 11; Lot: 5.

Jason King approached the board with a proposal to construct a gazebo for shade on his property. The property has a previously approved variance and contains two fronts. Joe DePaul asked Evan White about the placement of gazebos within the setbacks. A brief discussion ensued about accessory structures and placement. The property is fenced in and the gazebo would be placed behind the fence. Joe DePaul asked what the height of the gazebo would be. Mr. King explained that the gazebo is a 10.8' pre-fab structure. The board saw no problem with the proposal. Joe DePaul asked the public for comment. None given. Joe DePaul asked Evan White if the town had any objections. Mr. White stated the town had no objections. John McCartney made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul made a motion to grant a variance to allow construction of a gazebo per the plans as submitted; the hardship being that the property contains two fronts, duly 2nd, approved 4-0. Variance granted.

Application # 43-19: Dabkowski, 47 Lake Drive North, for variances to Zoning Regulations 3.0.8A&E Gazebos, 3.2.5A&B, 3.2.6A Front Setback to 1', 3.2.6B Side Setback to 0', 3.2.7, 3.2.11, 7.1.1.2, 7.2.3A&B for the purpose of constructing a carport (23'6"x15'6"). Zoning District: R-44; Map: 15; Block: 1; Lot: 33/34.

Tom Beecher and applicants Bob and Jean Dabowski approached the board seeking approval for a carport. Mr. Beecher gave a brief overview of the sloped property and stated that there was no other area that would be suitable on the property. Mr. Beecher stated that there an existing paved area with a short stone wall near the road that they would like to have the carport placed. Mr. Beecher produced three letters from neighbors stating no objections to the carport. Joe DePaul explained to the applicants that there have been many requests for carports which he has denied and noted the massive increase of nonconformity from 40' to 1'. Mr. DePaul stated that he could not support the application in good conscience since he has previously denied so many other requests. Mr. Dabkowski stated that the next door neighbor had a carport. Mr. DePaul countered that the carport could be older and was not approved under his time on the board. Mr. Beecher countered that the carport would not take up as much space as a garage. Mr. DePaul stated that a carport is still a structure and that he would not vote for it. A brief discussion ensued and Mr. Beecher withdrew the application. Application withdrawn.

Application # 44-19: Dilello, 10 Yale Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 13', 3.2.6B Side Setbacks to 12.4' and 24.6', 3.2.C Rear Setback to 44.3', 3.2.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of reconstructing an existing house with a vertical expansion. Zoning District: R-44; Map: 37; Block: 11; Lot: 35.

Applicant Diana Dilello and agent David Dillon presented their proposal to reconstruct a house which was damaged in the May 2018 macroburst. The house would be built using the same foundation with a slight change of raising the back foundation an additional 1'. The roofline would be 21'. A brief discussion ensued over the gutters and the setbacks needed for the eaves. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul made a motion to grant a variance to allow construction of a vertical expansion per the plans as submitted, noting there is no increase in structural nonconformity; the hardship being the small size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 45-19: Bogues, 101 State Route 37, for variances to Zoning Regulations 3.1.5A&B, 3.1.6A Front Setback to 12.9', 3.1.6B Side Setback to 25.2', 3.1.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of increasing the roof height on a previously approved variance. Zoning District: R-88; Map: 13; Block: 5; Lot: 2.3.

Robert Williams returned to the board to amend a previously granted variance. After construction of the house, it was discovered that the framing was 6" closer to the road even though the house was built on the existing foundation. The applicant is seeking a slight change to the setbacks. Joe DePaul asked the public for comment. None given. John McCartney 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 12.9' and a side setback to 25.2' to approve the construction as is; the hardship being the small size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application #46-19: Kings International Group, 3 Bayview Terrace, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 34', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of legalizing an existing deck. Zoning District: R-44; Map: 15; Block: 10; Lot: 4.

Lazlo Pongracz appeared before the board seeking to legalize an existing 12'x15'deck. Mr. Pongracz stated that there had originally been a deck, produced photos of the house and gave a brief history of the property. Evan White also confirmed existence of an 14'x14' deck and stated that the existing deck is grandfathered in. The board saw no problems with the application. Joe DePaul asked the public for comment. None given. Bob Jano made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul make a motion to grant a rear setback to 34' to legalize an existing deck per the plans as submitted, noting that there was a previous deck; the hardship being the size and shape of the lot, duly 2nd, approved 4-0. Variance granted

Application # 47-19: Stella, 91 Lake Drive South, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 10.9', 3.2.6C Rear Setback to 26.4', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an addition on a single family house. Zoning District: R-44; Map: 25; Block: 1; Lot: 25.

Peter Coffin, Architect, gave a brief overview of the property that was damaged in the May 2018 macroburst. The one story 1000 sq. ft. house would be expanded by 1000 sq. ft. The property is extremely sloped. Mr. Coffin produced the site plan showing the building envelope and proposed addition. There is no vertical expansion and the proposal would not go closer to the lake. The existing entrance would remain. Joe DePaul pointed out that the proposal would greatly increase nonconformity. A lengthy discussion ensued and Mr. DePaul noted that the board would like the building envelope to stay within the current setbacks and not increase nonconformity. Mr. DePaul suggested that the proposal be reworked to stay within the parameters discussed. Mr. Coffin agreed to revise the application and continue. Vinny Mancuso made a motion to continue Application # 47-19, duly 2nd, approved 4-0. Application continued.

Application # 48-19: Robinson, 12 Pettit Street, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 31', 3.2.6B Side Setback to 11.5', 3.2.8 Maximum Impervious Surfaces, 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a deck, deck addition and house addition. Zoning District: R-44; Map: 31; Block: 3; Lot: 29.

Kempton Robinson approached the board with his proposal for an addition. Mr. Robinson currently has a 10'x16' deck in the rear of the house which he would like to replace and construct a flight of stairs with a side addition. Joe DePaul noted that the applicant was asking for a great increase in nonconformity with the side addition. The lot has two sides and the septic is in the rear. Joe DePaul also noted that there is a shed which is not behind the house, making it an illegal structure. Mr. Robinson stated that the shed was constructed in 2009 and he conformed to what the town advised him to do. Evan White confirmed that the shed was approved in 2009 and the applicant was in compliance. A lengthy discussion ensued over where the addition could be placed and the location of the septic system. Joe DePaul suggested the applicant contact Tim

Simpkins to discuss the exact septic placement and find out exactly where he would place the addition to the rear of the house and not go into the side setbacks. The board suggested the applicant continue the application and noted that the advertisement for next month would remove the side setback and change the front setback to 28.7', giving Mr. Robinson time to discuss plans with Mr. Simpkins and revise the proposal. John McCartney made a motion to continue Application # 48-19, July 2nd, approved 4-0. Application continued.

Vinny Mancuso made a motion to adjourn the meeting at 8:50 p.m., July 2nd, approved 4-0.