

**New Fairfield Zoning Board of Appeals**  
**New Fairfield, Connecticut 06812**  
**MINUTES**  
**August 15, 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, August 15, 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; Vinny Mancuso; John McCartney; Dan McDermott and Alternates Ann Brown and Bob Jano.

Town Officials in attendance: None

Chairman Joe DePaul called the Meeting to order at 7:02 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, July 2<sup>nd</sup>, approved 5-0.

**Continued 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.

Contractor Louis Yorio returned to the board after the application was continued due to an advertising issue. Mr. Louis Yorio gave a brief overview of the addition which would add approximately 1200 sq. ft. to the existing raised ranch. Joe DePaul stated that the applicant would have to go in front of the Zoning Board to request a Special Permit as stated in Zoning Regulations 3.1.2. The proposal does not require any setbacks. Vinny Mancuso noted that ZEO, Evan White, saw no problems with the application last month. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. The board saw no issues with the application. Joe DePaul made a motion to grant a variance to allow construction of an accessory apartment per the plans as submitted, noting that setbacks are not needed; the hardship being the size and shape of the lot, July 2<sup>nd</sup>, approved 5-0. Variance granted.

**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 are currently out of town and emailed a request that their application be continued to the September meeting. Vinny Mancuso made a motion to continue, July 2<sup>nd</sup>, approved 5-0. Application continued.

**Continued 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, and Valmar Franca, returned to the board. The applicant modified the design to relocate the addition back from the 440 line, remove the deck and maintain the existing setbacks. Mr. Coffin explained that due to the lost access to the deck, a walkway was added from the front to access the deck. Due to the extreme slope and topography, piers will be used to support the addition, not a foundation. Mr. Coffin stated that Tim Simpkins, Sanitarium, agreed that would have the least impact to the lake. There would be no increase in nonconformity on any side with a front setback to 19.1' and rear setback to 31.1'. The roof height would remain the same and no views would be impacted. The board noted that the applicant did a good job in revising the proposal and did exactly what the board requested. Joe DePaul asked the public for comment. None given. Dan McDermott made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul stated that he had no problems with the revised proposal. Joe DePaul made a motion to grant a front setback to 19.1' and a rear setback to 31.1' to allow construction of an addition to a single family house, noting there is no increase in dimensional nonconformity, per the plans as submitted; the hardship being the irregular size, shape and topography of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the minutes as presented, duly 2<sup>nd</sup>, approved 3-0-2, Dan McDermott and John Apple abstaining.

**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 returned to the board. Joe DePaul explained that the applicant has a shed in the front yard which was grandfathered from a previous CO granted by the town. Joe DePaul noted that the board could request that he remove the shed to grant the variance. The board noted that the shed was grandfathered in and approved by the town. Joe DePaul stated that the shed blended in well with the house and asked the applicant if he would move the shed. Mr. Robinson stated that he would like to leave the shed where it is. The applicant revised the proposal and eliminated all the proposed additions except for a 4'x10' addition to the deck and a flight of stairs in the rear. Mr. Robinson stated that he met with the town Sanitarium, Tim Simpkins and the proposal would be acceptable. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Vinny Mancuso wanted it known that this shed was grandfathered in and approved by a previous ZEO and is not something the board would typically approve. Joe DePaul made a motion to grant a variance to allow extension of a deck including a flight of stairs per the plans as submitted, noting there is no increase in nonconformity; the hardship being the lot has two fronts, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 49-19:** Forster, 6 Cecelia Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 16', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of installing a regular door entrance next to the existing garage door. Zoning District: R-44; Map: 10; Block: 8; Lot: 13.

Applicant Frank Forster approached the board with his proposal to raise the height of an existing shed on the side of the house and install a new door to the shed. The board was unaware of the vertical expansion from the plans submitted. The proposal would not increase nonconformity or change the setback. A discussion ensued over the height of the roof and additional setbacks needed due to the vertical expansion. It was determined that a front setback to 16' and a side setback to 19.6' were needed. The application did not advertise a side setback and would need to be continued to next month to correctly advertise the setbacks. John McCartney noted that the application did not increase nonconformity and he had no issue with it. John McCartney made a motion to continue Application # 49-19 until next month to correctly advertise the setbacks, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 50-19:** Lewis, 41 Candlewood Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 22', 3.2.6C Rear Setback to 35', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of increasing the second floor rear wall to 6' and converting sunroom into living space. Zoning District: R-44; Map: 39; Block: 6; Lot: 33.

Marc and Donna Lewis came in front of the board with their proposal for a vertical expansion to increase the height of the rear roof by 4'. The work had already been started and there was a stop work order on the property. The applicants removed a glass sun room and would like to enclose the space. The roof overhang on the proposed sunroom would require a variance which was not advertised. The applicant did not have an A2 survey but, is in the process of obtaining one. A discussion about setbacks ensued and it was determined that the current footprint requires a front setback of 22' and with the overhang it would need a front setback of 21' but, without the A2 survey, it is difficult to determine. The applicant agreed to continue the application until next month to obtain the A2 survey. The application will be advertised with a front setback to 21' and a rear setback to 35'. It was noted that the stop work order was rescinded. Joe DePaul asked the public for comment. None given. John McCartney made a motion to continue Application #50-19 for the applicant to acquire a A2 survey, duly 2<sup>nd</sup>, approved 5-0.

**Application # 51-19:** Spindle, 4 Croix Hill Road, for variances to Zoning Regulations 3.0.4C Minor Accessory Building and Structures, for the purpose of constructing a storage shed. Zoning District: R-88; Map: 18; Block: 4; Lot: 2.

Judy Spindle approached the board with her proposal to construct a Rubbermaid 7'x7' shed. A discussion ensued over placement and position of the shed and the alignment of the shed roof with the house roof. It was determined that the shed would be positioned behind the front corner of the house with the doors facing the lawn (west). Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a variance to allow placement of 7'x7' shed per the plans as submitted, noting the doors will face the lawn, no closer to the blacktop driveway than the front of the house, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 52-19:** Kraska, 5 Shore Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 33.5', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion, covering part of an existing patio with roof and installing an outdoor fireplace. Zoning District: R-44; Map: 10; Block: 1; Lot: 3-5.

Caren Carpenter, agent for the applicant, approached the board. Ms. Carpenter noted that she incorrectly noted the address on the application. The correct address is 5 Shore Drive, not Road. The application will have to be continued to be correctly advertised next month but the board wanted to hear the proposal to make any suggestions. Ms. Carpenter gave a brief overview of the proposal. The vertical expansion would go no closer to the road and does not need a side setback due to sufficient space. The property is unique, housing both a residential area upstairs and commercial area in the basement. It was noted that the owner also owns the rights to the water in front which was grandfathered in. The proposal includes covering a portion of an existing deck for an outdoor fireplace with a terraced roof and open sides. The proposal would raise the roof ridge 5' to allow the attic to be full height, while keeping the same overhang. It was determined that the existing roof height is approximately 24'. Joe DePaul asked the public for comment. None given. John Apple made a motion to continue Application # 52-19 until next month for correct advertisement of the address, duly 2<sup>nd</sup>, approved 5-0.

**Application # 53-19:** Lisi, 50 Ball Pond Road East, for variances to Zoning Regulations 3.1.5A, 3.1.6A Front Setback to 39.6' and 64.3', 7.1.1.2 and 7.2.3A,B&E for the purpose of modifying a previously approved variance. Zoning District: R-88; Map: 22; Block: 7; Lot: 31.

Lynn Persan, Building Designs, and Applicant Lisa Lisi appeared in front to the board seeking to modify a previously approved variance. The proposal would decrease nonconformity by lessening the building area by 900 sq. ft. (5250 sq. ft. to 4330 sq. ft.). The ridge line would decrease by 3' and by 1.4'. The major change is the reverse gable for the windows which does not fit with the decrease in square footage. A doghouse dormer will be used which is 2.5' higher than the reverse dormer. Joe DePaul asked the applicants to show the changes from the previous application so a decrease in nonconformity could be confirmed and noted. The applicants did not bring the previous plans. ZBA's file copy was used to show a decrease in setbacks. The proposal would now require two front setbacks to 39.6' and 64.3'. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant two front setbacks to 39.6' and 64.3' to allow construction of a house per the resubmitted plans, noting a decrease in nonconformity; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

Vinny Mancuso made a motion to adjourn the meeting at 8:36 p.m., duly 2<sup>nd</sup>, approved 5-0.