

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
September 19, 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, September 19, 2019, at the Company A Fire House, located at 302 Ball Pond Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Vinny Mancuso; Dan McDermott and Alternates Ann Brown and Bob Jano.

ZBA members not in attendance: John McCartney

Town Officials in attendance: Evan White, ZEO

Chairman Joe DePaul called the Meeting to order at 7:06 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 5-0.

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 Pascale returned to the board and produced several letters of support from adjacent neighbors which were read into the record. Mr. Pascale gave a brief overview of the proposed vertical expansion which would add a bedroom and bathroom over the living room. The proposal would stay within the existing building envelope, with a height approximately 22' from the ground. 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. The board saw no problems with the proposal. Joe DePaul made a motion to grant a rear setback to 27'8" to construct a vertical expansion per the plans as submitted, noting the proposal is staying within the existing building envelope; the hardship being the slope of the lot, duly 2nd, approved 5-0. Variance granted.

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

Continued Application # 49-19: Forster, 6 Cecelia Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 16', 3.2.6B Side Setback to 19.6'. 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a vertical expansion and installing a regular door entrance next to the existing garage door. Zoning District: R-44; Map: 10; Block: 8; Lot: 13.

Frank Forster returned to the board with his proposal to install a regular door with a vertical expansion next to the garage door. The application was continued and correctly re-advertised to include a missing side setback. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, duly 2nd, approved 5-0. Vinny Mancuso noted that the application was continued due to an advertising issue and the board agreed that they had no issue with the proposal. Joe DePaul made a motion to grant a front setback to 16' and a side setback to 19.6' to construct a vertical expansion and install a regular door per the plans as submitted, noting no increase in structural nonconformity; the hardship being the small size and narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

Continued Application # 50-19: Lewis, 41 Candlewood Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 18', 3.2.6B Side Setback to 10', 3.2.6C Rear Setback to 15', 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.

Applicant Mark Lewis returned to the board with a newly issued A2 survey. Unfortunately, the applicant provided the incorrect setbacks for the advertisement and the application will once again have to be continued to re-advertise the correct setbacks. The proposal will require a front setback to 17.1', a side setback to 9.2' and a rear setback to 15.2'. Mr. Lewis produced several letters from adjacent neighbors supporting the proposal which were read into the public record. Mr. Lewis gave a brief overview of the sunroom renovation. The proposal would go no higher than the existing structure and remain in the same footprint. Joe DePaul asked the public for comment. Tom Perkins, 6 Field Avenue, voiced his support of the proposal. Vinny Mancuso made a motion to continue Application # 50-19 to re-advertise the setbacks, duly 2nd, approved 5-0. Application continued.

Continued Application # 52-19: Kraska, 5 Shore Drive, 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 returned to the board. The application was continued due advertisement of an incorrect address which needed to be re-advertised correctly. Ms. Carpenter returned with the proposed plan to construct a vertical expansion with an outdoor fireplace requiring a front setback to 33.5'. 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. The board noted that the application was continued due to an advertising issue and they saw no problem with the application. Joe DePaul made a motion to grant a front setback to 33.5' to construct a vertical expansion with a covered patio and outdoor fireplace per the plans as submitted, noting no increase in structural nonconformity; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 54-19: Wohn, 18 Lakeshore North, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setbacks to 22.56' and 21.04', 3.2.6B Side Setback to 9.65', 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: 40; Block: 2; Lot: 1-3.

The applicant asked to withdraw Application #54-19.

Application # 55-19: Anello, 4 Overlook Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 42.8', 3.2.6B Side Setbacks to 9.9' and 12', 3.2.6C Rear Setback to 31.5', 3.2.8 Maximum Impervious Coverage, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion with no increase of existing footprint. Zoning District: R-44; Map: 45; Block: 5; Lot: 36.

Agent, Joe Coehlo, appeared in front of the board on behalf of his client. Joe DePaul noted that he was out to see the property and believed that there might be issues with the neighbor's views of the lake from behind the house. The existing height of the roof is approximately 22.5' and the vertical expansion would increase the height by an additional 4', with a total roof height of 26.5'. A lengthy discussion ensued over the neighbor's views and the board's responsibility to protect their views. It was decided that ZBA would send the neighbor in question a letter alerting them of the proposal and the next meeting date. Mr. Coehlo gave a brief description of the proposal, raising the roof, adding a bedroom and bathroom in the existing footprint. The pitch of the roof would be slightly changed. Joe DePaul asked the public for comment. None given. The board suggested the applicant get a letter of support from the neighbor in question. Vinny Mancuso made a motion to continue Application # 55-19, duly 2nd, approved 5-0. Application continued.

Application # 56-19: 1 Sawmill Road LLC, 1 Sawmill Road, for variances to Zoning Regulations 4.0.1 Table of Zoning Requirements, 4.1.2F Special Permit Uses or Buildings, 4.1.3A&B and 7.2.3 for the purpose of constructing two (2) apartments with 2 bedrooms each in an existing building. Zoning District: B/C; Map: 24; Block: 15; Lot: 16.

Agent for the applicant, Peter Young, came in front of the board with his proposal to construct two (2) bedroom apartments and office space. Mr. Young gave a brief history of the property which was originally downstairs office space with an upstairs apartment. The property is pre-existing nonconforming, because of undersized lot (.75 acre).

Joe DePaul read 4.1.2F Special Permit Uses into the record which states that: Mixed residential and non-residential uses in the same building or structure providing that:

1. There shall be not more than one (1) dwelling unit for each one-half (1/2) acre of land area;
2. No dwelling unit shall contain more than two (2) bedrooms;
3. The on-site subsurface sewage disposal system is capable of handling effluent from the combined uses;
4. Off-street parking is provided at the rate prescribed under Section 6.2.9; and
5. No dwelling unit shall be permitted in conjunction with uses listed under Paragraph E of this section.

The applicant noted that there was sufficient parking in the rear of the house for the two apartments and the office space. The applicant would also have to go in front of Zoning and Health once a variance is granted. Joe DePaul noted his concerns that it is not the town's intent for residential to be the main use in the B/C zone. Joe DePaul noted that the application was creating the hardship by adding another apartment. Evan White, ZEO, noted that the applicant was proposing to intensify the use and not enlarge the structure. The applicant stated that the property fronts Saw Mill Road which is mainly residential. Joe DePaul stated that the property is in a B/C zone. A lengthy discussion ensued. Board members had various opinions. The applicant continued the application to allow the board members to have time to deliberate over the application. John Apple made a motion to continue, duly 2nd, approved 5-0. Application continued.

Application # 57-19: Lewis, 32 East View Road, for variances to Zoning Regulations 3.0.4C Minor Accessory Buildings and Structures, 3.2.5A, 3.2.6A Front Setback to 2', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a carport on an existing parking area. Zoning District: R-44; Map: 10; Block: 3; Lot: 78-80.

Peter Young, agent for applicant, Ryan Lewis, presented the proposal to construct a two-car covered carport on an existing parking area. Joe DePaul asked what the existing front setback was. Mr. Young replied that the existing front setback was 37.1' with a proposed front setback of 2'. Joe DePaul noted that was a massive increase of nonconformity and the board usually does not vote for a parking area so close to the street. Mr. Young noted that the property was on a turn-around and that there was no room for a garage. A lengthy discussion ensued over setbacks. The board noted that most people would like a carport but they have turned down many previous proposals and could not justify granting one while not granting other requests. 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. Vinny Mancuso noted that if we granted one, we would have to grant others. Joe DePaul made a motion to grant a front setback to 2' to allow a two-car 14' high carport per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, approved 0-5. Variance denied.

Application # 58-19: Perkins, 6 Field Avenue, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 14', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a stairway at the front of the house. Zoning District: R-44; Map: 39; Block: 6; Lot: 46-52.

Tom Perkins came in front of the board with his proposal to add a stairway in the front of his house from a deck. The stairway is 42" wide and does not extend past the existing deck. Vinny Mancuso saw no problem with the application. 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 14' to allow construction of a stairway from a wooden deck per the plans as submitted, noting no increase in structural nonconformity; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 59-19: Strol, 117 State Route 39, for variances to Zoning Regulations 3.1.2K Special Permit Uses, 3.1.5A&B, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of legalizing an existing apartment on the lower level. Zoning District: R-88; Map: 19; Block: 1; Lot: 26.

Agent Andrew Jesser appeared in front of the board seeking to legalize an existing unpermitted apartment on the lower level. Mr. Jesser stated that property recently had experienced a fire and was recently renovated. Mr. Jesser would like to rectify the apartment, noting that all plumbing and electrical were there for many years. The applicant does not have the acreage or frontage needed and needs to vary the zoning regulations. The ZEO noted that the driveway is shared with a neighbor and a letter of support from the neighbor would be helpful. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to continue Application # 59-19, duly 2nd, approved 5-0. Application continued.

Application # 60-19: McEnery, 7 Penny Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 21', 3.2.6B Side Setbacks to 11' and 15', 3.2.6C Rear Setback to 31', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 3-season room over an existing patio with an open deck above. Zoning District: R-44; Map: 10; Block: 11; Lot: 11.

Tammy Zinick of Permit Me Please appeared in front of the board. Ms. Zinick gave a brief overview of the proposal. There is an existing patio which would be increased to a 16'x26' addition. Setbacks are needed due to the decorative roof returns (overhangs). The property currently has three previous variances. Joe DePaul noted that it would be helpful to have the setbacks that were previously granted. A brief discussion ensued over setbacks. It was decided that a current A2 survey was needed to show existing and proposed setbacks. The proposal was continued until next month. Vinny Mancuso made a motion to continue Application # 60-19, duly 2nd, approved 5-0. Variance continued.

Vinny Mancuso made a motion to adjourn at 8:56 p.m., duly 2nd, approved 5-0.