

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
SPECIAL MEETING MINUTES
October 21, 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 Monday, October 21, 2019, at the New Fairfield High School Library, located at 54 Gillotti 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 Alternate Bob Jano.

ZBA members not in attendance: Alternate Ann Brown

Town Officials in attendance: None

Chairman Joe DePaul called the Meeting to order at 7:01 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 # 50-19: Lewis, 41 Candlewood Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 17.1', 3.2.6B Side Setback to 9.2", 3.2.6C Rear Setback to 15.2', 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.

Mark and Donna Lewis returned to the board and gave a brief overview of the proposal explaining that the continuance was due to incorrect setbacks that did not take into account the roof overhang requiring the application to be re-advertised. The correct setbacks were discussed. 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 problem with the proposal. Joe DePaul made a motion to grant a front setback to 17.1', side setback to 9.2" and a rear setback to 15.2' to allow construction to convert a sunroom into living space and raise a rear wall per the plans as submitted, noting that there is no increase in structural nonconformity; the hardship being the size and shape 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, John McCartney abstaining.

Continued 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.

Joe Coelho, JC Contracting, returned to the board. The application was continued for the ZBA secretary to notify the neighbor of the proposal for a vertical expansion. Mr. Coelho noted that the height of the existing roof is 20'6" and the new roof would be 26'. Joe DePaul stated that the neighbor was notified but did not attend the public hearing. The board noted that they did not see any problems with the application. 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 no views were impacted and that the neighbor did not show up to dispute the proposal. Joe DePaul made a motion to grant a front setback to 42.8', side setbacks to 9.9' and 12' and a rear setback to 31.5' to allow a vertical expansion noting no increase in structural nonconformity; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

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.

Peter Young approached the board and gave a brief overview of the proposal. Mr. Young noted that the hardship is the fact that the Victorian style house sits on $\frac{3}{4}$ acre with 1 acre needed to have two apartments. Mr. Young explained that Saw Mill Road is mainly residential and the house is in harmony with the neighboring houses on the street. The applicant seeks to add an apartment, having one apartment upstairs and one downstairs with commercial space in the rear. Joe DePaul asked if ZBA approved the variance if the applicant would have to go in front of the Zoning Board. Mr. Young stated that the applicant would have to go to Zoning for a Special Permit. Mr. Young presented photos of the house and drawings of the apartments. Joe DePaul asked the public for comment. Mike Burstin, the current tenant of the commercial space, stated that he currently had a two-year lease and questioned whether his lease would be affected. Mr. Young stated that adding the apartments would have no effect. Joe DePaul asked Mr. Burstin if the back area contained adequate parking. Mr. Burstin noted that there was at least 10 parking spaces and foresaw no parking issues. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. Vinny Mancuso stated that he did not have a problem with the application and agreed the town needed more rental properties. John Apple agreed that the town needed more rental properties. John McCartney noted that he had no problem with the application. Joe DePaul made a motion to grant a variance to allow an apartment to be constructed per the plans as submitted; the hardship being the small size of the lot, duly 2nd, approved 5-0. Variance granted.

Continued 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.

Andrew Jesser, agent for Ronald Strol, returned to the board seeking to legalize an existing illegal apartment. As requested at the previous meeting, Mr. Jesser produced two letters from the adjacent properties in favor of the application from George Borucinski (115 Route 39) and Frank and Catherine Saccente (119 Route 39). Mr. Jesser noted that the applicant will pave the

shared driveway and that the neighbors had no objections. 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 and Vinny Mancuso both had no problem with the application. Joe DePaul made a motion to grant a variance to legalize an existing apartment; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

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, Permit Me Please, returned to the board with the items the board requested at last month's meeting including the existing and proposed setbacks, a copy of the 2010 minutes describing the approved variance, design overhangs, and an email from Richard Howard (North by Northeast Survey and Mapping Consultants) to Brian Wood at First Light regarding the 440 line. A lengthy discussion ensued about setbacks and what was granted in 2010. The ZBA file is missing from the town files and the original variance was never filed with the Town Clerk. ZBA Secretary, Joanne Brown, stated that she would look through the computer files for the original variance. The board questioned the setbacks that were previously granted and the rear setback increase from 45' to 31'. The board asked for more documentation to make a decision. The proposal will be continued to next month for further investigation. Vinny Mancuso made a motion to continue, duly 2nd, approved 5-0. Application continued.

Application # 61-19: 20 Overlook Road LLC, 20 Overlook Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 29', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of changing the location of entry stairs to an existing driveway. Zoning District: R-44; Map: 45; Block: 5; Lot: 49, 50, 51.

Chad Nehring, Architect for Roberta Anderson, gave a brief overview of the house that was completely demolished in the macroburst of May 2018. Mr. Nehring explained that there was a slight modification on the southwest corner of the house, revising the stair access to the house. Joe DePaul questioned why the stairway couldn't be pushed farther back. Mr. Nehring stated that the stairway cannot be pushed back as it is against an existing screened porch. A very lengthy discussion ensued over the discrepancy with the setbacks. The original variance granted a front setback to 34' and the current application is requesting a front setback to 29'. It was discovered that during reconstruction, the foundation was excavated and hit ledge which created a higher foundation causing the deck to be built in the same location but 4' off the ground, therefore, requiring a different setback. The original deck was closer to the ground and did not require a setback. John McCartney noted that the deck was in the same location just higher off the ground and the roofline remained the same. Joe DePaul had no problem 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 5-0. The board commented that since they now understood the change in front setback, there were no issues with the application. Joe DePaul made a motion to grant a front setback to 29' to allow construction of a covered porch and stairs

per the plans as submitted; the hardship being the steepness of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 62-19: Cioffoletti, 56 Woodcreek Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 13', 3.2.6B Side Setbacks to 21' and 58', 3.2.8 Maximum Impervious Surfaces, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing an existing house and constructing a new single family house with garage. Zoning District: R-44; Map: 25; Block: 4 and Lot: 11.

Dainius Virbickas, Artel Engineering, came in front of the board noting that a variance was previously granted for this property in 2018. A brief discussion ensued over the previous house sitting on top of the road and that the variance was granted to push it back off the street. The current owner of the home would like to build a different style home than what was originally approved, with the same setbacks, roofline and midpoint; with the only change being a height increase of 2' on one of the peaks. Mr. Virbickas presented approved drawings and proposed drawings of the house design. 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. The board saw no objections with the proposal. Joe DePaul made a motion to grant a variance to reconstruct the roof line with an increase in height per the plans as submitted, noting no change in setbacks; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 63-19: Jakacic, 17 Keplers Way, for variances to Zoning Regulations 3.2.5A, 3.2.6C Rear Setback to 46', 3.2.11, 7.1.1.2A&B and 7.2.3A&B for the purpose of a deck addition. Zoning District: R-44; Map: 45; Block: 5; Lot: 20, 52, 53.

Applicant Jason Jakacic and Chad Nehring approached the board with their proposal for a deck addition. The existing deck curves and 18" is needed to square off the deck. A brief discussion ensued regarding setbacks noting that the current front setback is 29', side setback 0' and rear setback 8'. The board requested that the application be continued so the applicant could obtain a better drawing showing the exact setbacks required. Vinny Mancuso made a motion to continue until next month, duly 2nd, approved 5-0. Application continued.

Vinny Mancuso made a motion to adjourn the meeting at 8:45 p.m., duly 2nd, approved 5-0.