

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
December 12, 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, December 12, 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; Dan McDermott and Alternates Ann Brown and Bob Jano

ZBA members not in attendance: John Apple, Vice Chairman and Vinny Mancuso

Town Officials in attendance: Evan White, Zoning Enforcement Officer

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 amend the agenda to discuss and revise the ZBA 2020 Meeting Dates, July 2nd, approved 5-0.

Continued Application # 64-19: See, 47 Lake Drive South, for variances to Zoning Regulations 3.0.4C&F Minor Accessory Buildings and Structures for the purpose of installing a shed. Zoning District: R-44; Map: 20; Block: 5; Lot: 22.

Joe DePaul read an email from Jane See withdrawing Application # 64-19. Application Withdrawn.

Continued Application # 65-19: Fructus Holdings LLC, 9 Roseton Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 22', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 24'x24' addition with an attached two-car garage. Zoning District: R-44; Map: 37; Block: 4; Lot: 5.

No one was present for the application. Joe DePaul made a motion to move Continued Application # 65-19 to the end of the agenda, July 2nd, approved 5-0.

Application # 66-19: Hollister, 25 Candlewood Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 28'8", 3.2.6C Rear Setback to 28', 3.2.7, 3.2.8 Maximum Impervious Coverage, 3.2.11, 7.1.1.2 and 7.2.3AB&E for the purpose of installing a shed dormer in the existing footprint. Zoning District: R-44; Map: 39; Block: 1; Lot: 64/69.

Agent Keith Aragi appeared in front of the board and presented the proposal for a shed dormer addition to an existing house with no change to setbacks. After listening to Mr. Aragi's proposal, the board determined that the proposed construction was entirely inside the house and did not change the outside structure at all; therefore, did not require a variance. It was determined that

the application should be withdrawn and his application fee should be refunded. John McCartney made a motion to refund the application fee for Application # 66-19, July 2nd, approved 5-0. Application Withdrawn.

Application # 67-19: McDonough, 69 Lake Drive South, for variances to Zoning Regulations 3.0.4C, E&F Side Setback to 5' for the purpose of constructing a garden shed with work deck. Zoning District: R-44; Map: 25; Block: 1, Lot: 1-4 (25-18).

Applicant Timothy McDonough approached the board with his proposal to legalize an existing shed in the side yard. Mr. McDonough stated that he did not realize he needed a variance for the shed and gave a brief overview of the steep slope behind the rear plane of the property. Bob Jano visited the property and agreed that the property slope was extremely steep with few places to place the shed. Ann Brown questioned the distance of the shed from the property line which was missing from the plan. Joe DePaul noted that he had a problem with sheds in the front yard and visible from the road. Evan White, ZEO, noted that the property contained two fronts and the shed would be visible regardless of where it was placed due to the configuration of the road. The board discussed several factors including the fact that many applications requesting a shed in the front yard have been denied and the need to be consistent. 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 voiced his concern over sheds in the front yard and questioned whether the applicant should be given the benefit of doubt since it was put up illegally. Bob Jano questioned what would happen to the shed should the application be denied. The board suggested that the shed be placed in the side yard closer to the garage and the application be continued for the applicant to explore other options. John McCartney made a motion to continue Application #67-19, July 2nd, approved 5-0. Application continued.

While in the Business Session, Bob Jano made a motion to accept the minutes as presented, July 2nd, approved 5-0.

Application # 68-19: Terminelle, 21 Fox Run, for variances to Zoning Regulations 3.0.5C Private Detached Garages, 3.2.5A&B, 3.2.6A Front Setback to 20' and 3.2.6C Rear Setback to 21', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a two-car garage with storage. Zoning District: R-44; Map: 15; Block: 1; Lot: 218.

Architect Alfred Sacco and Applicant Thomas Terminelle approached the board with their proposal to construct a 2-car garage. Mr. Sacco gave an overview of the narrow, steep road, noting that front and rear setbacks were needed. The applicant staked out the proposed location of the garage on the lot. He indicated there will be a parking area in front for safety purposes. It was pointed out that there is an existing garage on the property next door which is located closer to the street. The garage is to be three levels high; one for parking cars and two levels for storage. The proposed garage is 26'x26'. A lengthy discussion ensued about the square footage, entry to the garage, utilities, and 35' roof height. The board noted that 35' was the maximum allowed and that the garage would be over 2000 square feet, much larger than the existing house. Bob Jano noted that he believed the garage was too big for the area. Mr. Sacco was adamant that the garage was not too big and did not seem receptive to any compromises. Joe DePaul asked the public for comment. Neighbor Tom Ruppert, 28 Fox Run, stated that he

passes the house every day and had no problem with the garage. He noted that due to the elevation, the garage would appear to be only two stories. Dan McDermott made a motion to enter into the Business Session, duly 2nd, approved 5-0. The board had a lengthy discussion over the proposed size of the garage, all noting that three levels of a garage was too big for the area. Joe DePaul noted that he did not have a problem with the proposed footprint for the 2-car garage but would prefer to eliminate one story. Joe DePaul made a motion to grant a variance for a 26' x 26' garage with a level for storage on the top and bottom with a front setback to 20' and a rear setback to 21', the hardship being the size and shape of the lot, duly 2nd, approved 0-5. Variance denied.

Application # 69-19: Troncale, 26 East View Road, for variances to Zoning Regulations 3.0.9C Pergolas, 3.2.5A&B, 3.2.6A Front Setback to 25.4' 3.2.6B Side Setbacks to 6" and 27.8', 3.2.6C Rear Setback to 42', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a masonry fireplace, pizza oven, countertop, overhead wooden structure, lattice screening and railings on an existing patio. Zoning District: R-44; Map: 11; Block: 3; Lot: 1.

Ellen Hines, agent for Michael and Harriet Troncale, gave a brief overview of the 1950s preexisting nonconforming property and the existing retaining wall in the rear of the property that is now in disrepair. The northwest side of the retaining wall currently sits on the neighbor's property. The proposed construction would remove this section of retaining wall and reconstruct it as part of the masonry outdoor kitchen entirely on the applicant's property. In relocating the wall, the applicant proposes to construct an outdoor kitchen consisting of a smoker, outdoor fireplace, pizza oven and open latticed pergola requiring a 6" side setback. The back side of the kitchen would be located on the property line creating a privacy and sound barrier. John McCartney questioned the height of the chimney of the fireplace. Ms. Hines stated that she believed it would not exceed 10'. A lengthy discussion ensued about what constitutes a structure and the height needed not to increase nonconformity. The board was in agreement that the applicant's proposal consisted of too many structures too close to the property line. Evan White suggested that legal counsel be contacted to define whether or not the outdoor kitchen was considered a structure. The board suggested the applicant revise the application and relocate the kitchen to the opposite side of the stone patio which would not require a side yard setback. John McCartney made a motion to continue Application # 69-19, duly 2nd, approved 5-0. Application continued.

Application # 70-19: Fitzgerald, 57A Knollcrest Road, for variances to Zoning Regulations 3.2.5B, 3.2.6A Front Setback to 33.7', 3.2.6B Side Setbacks to 9.8' and 15.3', 7.1.1.2 and 7.2.3A,B&E for the purpose of modifying an existing variance due to change in soffit size during construction which resulted in an increase in overhang. Zoning District: R-44; Map: 10; Block: 3; Lot: 84A.

Eion Fitzgerald returned to the board noting that he had received a variance two years ago for a vertical expansion. It was discovered that the building, as constructed, was 2" larger than what had been granted due to extended soffits. The board noted that the discrepancy was diminimus. Joe DePaul asked the public for comment. None given. Joe DePaul made a motion to enter into the Business Session, duly 2nd, approved 5-0. The board had no objections. Joe DePaul made a motion to grant a front setback to 33.7', side setbacks to 9.8' and 15.3' to ratify the existing

construction, the hardship being the size and shape of the lot, noting a diminimus increase in nonconformity, duly 2nd, approved 5-0. Variance granted.

No one was present for Continued Application # 65-19. John McCartney made a motion to continue Application # 65-19 until next month, duly 2nd, approved 5-0.

Joe DePaul noted that there was a conflict with the proposed June 2020 ZBA meeting date and asked that it be scheduled for June 18, 2020. The board saw no problem. Joe DePaul made a motion to revise the 2020 ZBA calendar to change the June meeting date to June 18, 2020, duly 2nd, approved 5-0.

Bob Jano made a motion to adjourn the meeting at 8:37 p.m., duly 2nd, approved 5-0.