

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
May 21, 2020

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, May 21, 2020** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 955 7832 7124)**. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Vinny Mancuso; John McCartney; Alternate Ann Brown.

ZBA members not in attendance: Dan McDermott and Alternate Bob Jano.

Town Officials in attendance: Evan White, Zoning Enforcement Officer.

Network Administrator Paul Gouveia from the Board of Education, Town of New Fairfield, gave an overview of how the Zoom Web Conference would proceed. Chairman Joe DePaul called the Meeting to order at 7:00 p.m. and introduced the Board Members. Secretary Joanne Brown read the Agenda. Vinny Mancuso made a motion to adopt the agenda as presented, duly 2nd, approved 5-0.

Continued Application # 13-20: Stisser & Edward, 3 Woods Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 25.2', 3.2.6B Side Setbacks to 14.1' and 2' for the purpose of raising a dormer and changing direction of a stairway. Zoning District: R-44; Map: 45; Block: 1; Lot 13.

Caren Carpenter returned to the board. The application was correctly advertised to include relocating the direction of the stairway toward the rear of the property. Joe DePaul confirmed the setbacks needed. Ms. Carpenter stated that the stairway would require a 2' setback. The board saw 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. Joe DePaul noted that the application was decreasing nonconformity. Joe DePaul made a motion to grant a front setback to 25.2', side setbacks to 14.1' and 2' to allow a dormer expansion and move the stairway per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 14-20: Richter, 2 Old Road, for variances to Zoning Regulations 3.0.4A,B,C,D, E&F Minor Accessory Buildings and Structures for the purpose of constructing an accessory

structure (deck) and a temporary shed without a primary residence. Zoning District: R-44; Map: 7; Block: 1; Lot: 2.

Applicant Robert Richter and Landscape Architect, Nick Yushak, appeared in front of the board. Mr. Yushak gave a brief overview of the property which included plans to rebuild an existing shed, deck and construct a temporary shed to hold tools and equipment for the reconstruction. The applicant has gained approval from Wetlands and First Light to install a floating dock, bulkhead and catwalk. Joe DePaul noted that the applicant did not need a variance to rebuild what was existing. Evan White stated that any change in footprint, height, or size would need a variance. Joe DePaul gave a brief overview of the Pine Island situation where the town previously had issues with decks and docks without primary residences causing noise issues. John Apple noted that Old Road is inaccessible and in a wooded area. John McCartney also stated that the area is incredibly remote with no access to the New Fairfield Fire Department. Evan White gave a brief history of the area which was an approved subdivision in 1961. The board questioned whether a home would be built in the future. A lengthy discussion ensued about the use of the shed. The board was not in favor of granting a variance for multiple sheds without a primary residence and suggested the applicant withdraw and reconstruct the existing structures they were entitled to. Mr. Richter thanked the board and decided to withdraw the application.

Application # 15-20: Farr, 53 Lake Drive South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 16', 3.2.6B Side Setback to 3.5', 3.2.6C Rear Setback to 0', 3.2.7, 3.2.8 Maximum Impervious Coverage, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of building an addition with alterations to an existing single family house. Zoning District: R-44; Map: 20; Block: 8; Lot: 11&12.

Peter Coffin, agent for Warren and Diane Farr, gave a brief overview of the application to change the roof line of the house by adding an overhang for aesthetics. The ridge line would remain the same with the interior dining room ceiling being made into a cathedral ceiling. Joe DePaul noted that the application was not increasing nonconformity or adding livable space. The board saw no problem 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. Joe DePaul made a motion to grant a front setback to 16', side setback to 3.5' and a rear setback to 0' to reconstruct a roofline and a vertical expansion per the plans as submitted, noting a small decrease in total structural nonconformity; the hardship being the location of the house on the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the Minutes as presented, duly 2nd, approved 5-0.

Application # 16-20: Clegg, 5 Lakeshore South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 28.6', 3.2.6B Side Setback to 17.2', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a portico over an existing front entry. Zoning District: R-44; Map: 45; Block: 1; Lot: 33.

Dave Clegg and agent, Bruce Hickey, gave a brief overview of the application to construct a portico over an existing doorway between 2 existing roofs due to safety issues with ice buildup during the winter. The proposal would not increase nonconformity but improve aesthetics and increase the use of the front doorway. The board saw no problems with the application. Joe DePaul asked the public for comment. Roberta Anderson, 15 Keplers Way, noted her approval of the application. Vinny Mancuso 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 28.6', and a side setback to 17.2' to allow construction of a portico per the plans as submitted, noting no increase in nonconformity; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 17-20: Welte, 12 Keplers Way, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 20', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a new single family home. Zoning District: R-44; Map: 45; Block: 5; Lot: 15 & 16.1.

Applicant Theodore Welte and Architect Michael LoBuglio gave a brief overview of the property which was purchased in 1964. The undersized lot has steep slopes and is a shallow lot. The house would require a 20' rear setback to allow the placement of the septic system and due to the close proximity of the neighbor's well. The proposed house would be approximately 1,668 square feet with a one-car garage. Evan White noted that the Town Health Department had approved the proposal with a Mantis septic. The height of the roof would be 29'. Joe DePaul asked the public for comment. Roberta Anderson, 15 & 13 Keplers Way, noted her great concern over the construction of the foundation which could possibly disrupt fieldstone foundations and wells in the area. Ms. Anderson stated that the property had many issues, including tax lessening due to being an unbuildable lot and a stream running through the property. Kiernan Frawley, 14 Keplers Way, also noted his concern over the septic and disruption to the foundations and wells. Joe DePaul stated that the ZBA was not involved in any building, health or tax issues and that the other departments in town were responsible for those areas. It is the ZBA's responsibility to approve variances to enable an owner to make use of his lot. Mr. Welte added that new technology made it recently possible to install a septic which makes the lot buildable. The board saw no problem with the application. John McCartney made a motion to enter into the Business Session, duly 2nd, approved 5-0. Joe DePaul made a motion to grant a rear setback to 20' to allow construction of a single family home per the plans as submitted; the hardship being the steep slope of the property, duly 2nd, approved 5-0. Variance Granted.

Application # 18-20: Kelley, 24 Knolls Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 16', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a deck. Zoning District: R-44; Map: 40; Block: 4; Lot: 32.

William Kelley and agent, Taylor McCourt, explained their proposal to construct an 11' wide deck on the front of the house. The property has two fronts. Mr. McCourt stated that the deck could not be put on the side of the house due to the septic placement. Joe DePaul offered a compromise to construct an 8' deck, noting that this would only slightly increase nonconformity. The board agreed with the suggestion. The applicant agreed to the modification. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a front setback to 16' and a front setback to 19' to allow construction of an 8' deck per the plans submitted and modified; the hardship being the small size and location of the lot; July 2nd, approved 5-0. Variance Granted.

Vinny Mancuso made a motion to adjourn the meeting at 8:38 p.m., July 2nd, approved 5-0.