

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
June 18, 2020

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, June 18, 2020** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 957 8961 2203)**. 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: 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 7:01 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.

Application # 19-20: Flynn, 5 East Lane, for variances to Zoning Regulations 3.2.5A&B, 3.26A Front Setback to 0.2', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of maintaining a gutter location at front eve from a previously approved variance. Zoning District: R-44; Map: 10; Block: 2; Lot: 2.

Tom Stalzer, agent for Robert and Carolyn Flynn, gave a brief overview of a previously approved variance. The survey post construction noted a 0.6' discrepancy in construction. It was discovered that the original survey measured to the fascia, not the gutter which was damaged. Joe DePaul asked what the existing setbacks were versus the proposed. Mr. Stalzer stated that 0.8' was granted under the variance, and the current setback is 0.2'. Joe DePaul presented a photo of a structure in the back of the house. Mr. DePaul noted that the previously approved plans included a pergola and not the roofed structure which was constructed on the back of the house. Joe DePaul noted that the application was approved as "per the plans as submitted" and that was not the structure shown on the plans submitted and approved. Evan White noted that the roofed structure increased impervious surfaces and may require storm water management due to the roof. Joe DePaul noted that he would not vote on an application that was not in compliance with the Zoning Regulations. Evan White suggested that Mr. Stalzer obtain a new survey and continue the application. Vinny Mancuso made a motion to continue Application # 19-20, duly 2nd, approved 5-0. Application continued.

Application # 20-20: 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', 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 26'x26' two-car garage with storage on top and bottom. Zoning District: R-44; Map: 15; Block: 1; Lot: 218.

Al Sacco and Tom Terminelle presented their application for a 26'x26' garage with storage in the basement to make use of the existing slope and provide additional storage. Joe DePaul questioned why have storage in the basement and stated that most residential storage is above the garage. Joe DePaul asked Mr. Terminelle if he lived at the property. Mr. Terminelle answered yes. Mr. DePaul noted that he knocked on the door and a tenant answered the door. Mr. Terminelle stated that the tenant would be leaving in September. Mr. DePaul noted that Mr. Terminelle was not living at the residence. Mr. DePaul noted he saw heavy industrial equipment on the property which including a cement mixer and dump truck. Mr. Sacco noted that the applicant had a boat and jet ski which he needed storage. Evan White commented that one piece of commercial equipment is allowed on residential property within 100' of the property line. Al Sacco noted that the applicant wanted a garage for storage with a reinforced concrete floor. John McCartney noted that the garage was 30' from the house and not as close as you would expect a residential garage would be. Al Sacco asked if they remove the basement would the board approve the 26'x26'garage. A brief discussion on setbacks ensued. Joe DePaul noted that he saw evidence on the property that the garage would be used as industrial storage. Evan White read Zoning Regulation 2.1 into the record regarding Garages, Private – A permanent accessory building or part of building used for the storage of motor vehicles owned and used by the owner or tenant of the premises and in which no motor vehicle occupation or business for profit is conducted. Mr. Sacco asked to continue the application. Tom Ruppert, 28 Fox Run, commented and attested that the equipment was not used for profit. He noted that Mr. Terminelle had many properties on the Isle with no storage. He noted that Mr. Terminelle was a good neighbor for the past 10 years. John McCartney made a motion to continue Application # 20-20, duly 2nd, approved 5-0. Application continued.

Application # 21-20: Jordan, 76 Lake Drive South, for variances to Zoning Regulations 3.2.6A Front Setback to 48.1', 3.2.6B Side Setbacks to 44' and 84.9', 3.2.6C Rear Setback to 34', 7.1.1.2 and 7.2.3A,B&E for the purpose of reconstructing a single family house with detached garage. Zoning District: R-44; Map: 20; Block: 1; Lot: 18-23.

Peter Coffin gave a detailed presentation of the property which had a previously approved variance and was demolished during the macroburst in 2018. The previous client sold the house to the Jordans who redesigned the house moving it 19' further away from the setback into compliance and removed the guesthouse. The previously approved square footage went from 7675 proposed to 6845 square feet requiring a rear setback to 34'. The property would have two garages on different levels. Evan White questioned the height of the retaining wall, noting that it

needed to be under 6' not to be considered a structure. It was determined that the wall was under 6'. Evan White noted that the proposal contained 3 small pergolas and Zoning Regulations only allow for one. Each pergola extends 4' from the house and when combined are under the dimensions of the one pergola allowed. Joe DePaul noted the great job the applicants did in decreasing nonconformity. Vinny Mancuso noted that if the pergolas are approved others in the Isle would look to do the same. Joe DePaul asked the public for comment. None given. The board suggested the application be continued to correctly advertise the pergolas. John McCartney made a motion to continue Application # 21-20 to next month, July 2nd, approved 5-0. Application continued.

Dan McDermott made a motion to enter into the Business Session, July 2nd, approved 5-0. Vinny Mancuso made a motion to accept the minutes as presented, July 2nd, approved 4-0-1, Dan McDermott abstaining.

Vinny Mancuso made a motion to adjourn the meeting at 8:08 p.m., July 2nd, approved 5-0.