

**New Fairfield Zoning Board of Appeals**  
**New Fairfield, Connecticut 06812**  
**MINUTES**  
**August 20, 2020**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, August 20, 2020** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 916 4487 8458)**. 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.

Assistant Broadcast Coordinator, Quintin Flower, from the Town of New Fairfield, gave an overview of how the Zoom Web Conference would proceed. Chairman Joe DePaul called the Meeting to order at 7:03 p.m. and introduced the Board Members. Secretary Joanne Brown read the Agenda. Joe DePaul made a motion to add an item to the end of agenda to discuss the possibility of resuming in-person meetings, duly 2<sup>nd</sup>, approved 5-0.

**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 one-story 26'x26' two-car garage. Zoning District: R-44; Map: 15; Block: 1; Lot: 218.

Al Sacco, agent for Tom Terminelle, returned to the board with a revised plan to construct a one-story two car garage with no storage on the same footprint of the prior proposal. John McCartney questioned where the entry to the garage would be. Mr. Sacco explained that the entry to the garage would be from the gravel parking area turning right into the garage. Mr. Sacco noted that his client would be open to constructing a 20'x20' garage if the board thought that more reasonable. Evan White stated that the regulations allow a maximum square footage of 750' for the size of the lot and that both sizes of the garage were under the regulations. Ann Brown questioned if the grade in the area of the garage was to be filled in. Mr. Sacco stated that the garage was on ledge and would excavate to place the 20'x20' garage on a level area. Bob Jano stated that he thought the garage was too large for the area and did not see a hardship. A brief discussion on setbacks ensued; it was decided that for the 20'X20' garage the front setback would be held at 20' and the rear setback would be adjusted accordingly but never encroach into the setback greater than the 21' advertised for a 26'x26' garage. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul appreciated the efforts that the applicant made to revise the proposal

but noted their history of previous three-story garage applications that he believed were for commercial, not residential, storage. Mr. DePaul noted several examples to support his belief; commercial vehicles were present on the property (i.e., cement mixers), the owner does not reside at the property, the placement of the garage away from the house, and the fact that the applicant is a contractor owning several properties nearby with a storage need for commercial equipment. Mr. DePaul read the ordinance for garages stating that a garage is for the storage of personal vehicles, not commercial equipment. John Apple noted the lack of hardship. Vinny Mancuso stated that he agreed with the Chairman and that the area could not handle the storage of commercial equipment. A brief discussion ensued among the board members and Joe DePaul stated he was convinced that the garage would not be for residential use. Joe DePaul made a motion to grant a front setback to 20' and a rear setback to allow for a construction of a one-story 20'x20' garage per the revised plans as submitted; the hardship being the size and slope of the lot, duly 2<sup>nd</sup>, denied 0-4-1, Dan McDermott abstaining. Variance denied.

**Continued Application # 21-20:** Jordan, 76 Lake Drive South, for variances to Zoning Regulations 3.0.9B&C Pergolas, 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 returned to the board with a revised proposal. The application was continued to advertise the pergolas. Mr. Coffin explained that they had run into an issue with the septic system and changed the direction of the existing septic. The proposed lower level to the garage was removed which reduced the amount of impervious disturbance to the site. Two other structures, a shed and garbage enclosure were also added to the plan. Joe DePaul noted that the garbage enclosure required a variance which was not advertised and suggested that the applicant return at another time because the application had been continued and needed to be voted on at this meeting. Mr. Coffin agreed to remove the garbage enclosure from the proposal. The shed would not need a variance. Setbacks were discussed and only a rear setback to 34' was needed. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul noted the massive decrease in nonconformity. Joe DePaul made a motion to grant a rear setback to 34' to allow construction of a house and garage per the revised plans as submitted; the hardship being the shape of the lot and the massive decrease in nonconformity, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the minutes as written, duly 2<sup>nd</sup>, approved 5-0.

**Application # 24-20:** Lewis, 32 East View Road, for variances to Zoning Regulations 3.2.6C Rear Setback to 45.8', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of legalizing a vertical

expansion's overhangs which exceeded a previously approved variance. Zoning District: R-44; Map: 10; Block: 3; Lot: 78-80.

Peter Young, agent for Ryan Lewis, explained to the board that 32 East View Road was previously granted a variance with a rear setback to 46.6'. A new survey noted that there was a discrepancy and the rear setback is currently at 45.8', due to a survey angle or an overhang. The applicant would like to correct the discrepancy and legalize the variance. Evan White 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 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a rear setback to 45.8' to legalize construction at 32 East View Road; the hardship being the size and shape of the lot, noting a diminimus increase in nonconformity, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 25-20:** Pribanich, 1 Columbia Drive, for variances to Zoning Regulations 3.0.4C,D,E,&F Minor Accessory Building and Structure to allow construction of a 12'x20'x13.6' shed. Zoning District: R-44; Map: 17; Block: 3; Lot: 1.9.

Tim Pribanich gave an overview of his property at 1 Columbia Drive which sits on a corner lot on Warwick Road and Columbia Drive. Mr. Pribanich proposed to construct a 12'x20' shed on the flat part of his property 4' off his driveway facing his garage. Mr. Pribanich noted that the back area of his house contains two underground drainage pipes and one additional curtain drain with slopes behind the house. There is only a small flat area where his children can play which includes a playset, trampoline and small pool area. The proposed site of the shed would be hidden from Warwick Road by trees. Joe DePaul noted that Zoning Regulations do not allow a shed to be placed in front of the rear plane of the house and that there was plenty of room in the back area. Mr. DePaul noted that there were three areas of concern; this property has two fronts; the shed was too big and needs to be placed behind the rear plane of the house. Dan McDermott noted that the property was diamond shaped. Vinny Mancuso noted that there was ample room in the back of the house. Mr. Pribanich asked if the board would accept a smaller shed, 12'x'16' at another location, behind the rear plane of the house, 4' off the driveway and 13' from the property line. John McCartney noted that he believed the Zoning Regulations regarding sheds to be too restrictive and thought the original proposal was a good location. Bob Jano noted that the revised spot was a better location behind the rear plane of the house. Since the board was divided, Mr. Pribanich asked if two votes could be taken on the two locations of the shed. Mr. DePaul noted that the application could be bifurcated and two votes taken. Joe DePaul asked the public for comment. None given. Joe DePaul made a motion to bifurcate the application, duly 2<sup>nd</sup>, approved 5-0. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a variance to allow construction of a shed in the front plane of the house; the hardship being the size, shape and slope of the lot, duly 2<sup>nd</sup>, denied 3-2. Variance denied. Joe DePaul made a motion to grant a

variance to construct a 12'x16' shed behind the rear plane of the house (marked in red) per the revised plans as submitted; the hardship being the size, shape and slope of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 26-20:** Loy, 106 Lake Drive South (CI), for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 30', 3.2.6C Rear Setback to 44', 3.2.11 and 7.1.1.2 and 7.2.3A,B&E to allow demolition and reconstruction of a new single family house. Zoning District: R-44; Map: 20; Block: 7; Lot: 4&5.

Louis Yorio, agent, gave a brief overview of the proposal to reconstruct a three-bedroom house reducing nonconformity by reducing the front and rear setbacks. The existing front setback is 26.3' to proposed 30' and existing rear setback 42' to proposed 44'. No side setbacks are needed. The height of the roof would be 33.7'. No neighbor views would be affected. The existing square footage is 2,205 and the proposal was 4,427 square feet, with the second floor covering only over half the footprint. A two-car garage would be placed on the east side on the lower level. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul noted the decrease in nonconformity. Joe DePaul made a motion to grant a front setback to 30' and a rear setback to 44' to allow construction of a house per the plans as submitted, noting the decrease in nonconformity; the hardship being the shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 27-20:** Fine, 23 Lakeshore Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setbacks to 10' and 8.7', 3.2.6C Rear Setback to 25.4', 3.2.7, 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: 45; Block: 6; Lot: 24.

Scott Fine presented his proposal to enclose and enlarge an existing deck into a 3-season room. After checking with the Health Department, it was agreed that the deck could be enlarged 2' feet due to the septic placement and regulations. Two side setbacks are required; 10' on the north side and 8.7' on the south side with a rear setback to 25.4'. A pitched roof will cover the enclosure and the 2' addition includes the overhangs. The existing stairway does not require a setback. Joe DePaul asked the public for comment. None given. John McCartney made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board saw no problem with the application. Joe DePaul made a motion to grant a rear setback to 25.4' and a north side setback to 10' and a south side setback to 8.7' to allow construction of an enclosed porch per the plans as submitted; the hardship being the narrow shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 28-20:** Keltos, 8 Muller Street, for variances to Zoning Regulations 3.0.6B Swimming Pools, 3.2.5A&B, 3.2.6A Front Setback to 16', 3.2.11, 7.1.1.2, and 7.2.3A&B for the purpose of installing a 7.5'x7.5' hot tub. Zoning District: R-44; Map: 31; Block: 4; Lot: 10.

Lisa Keltos came in front of the board with her proposal to install a hot tub on her property. She explained that the area under the deck would not work due to the deck supports. The applicant would like to place the hot tub by the side of the house which is accessible to their sliding glass doors and hidden by a white privacy fence. Evan White gave a brief overview of the Pool Zoning Regulation and noted that their side placement would comply with the regulations. Joe DePaul noted that the hot tub was close to the street and to the neighbors. A brief discussion ensued regarding placement. John McCartney noted that it would be placed behind a fence and not visible to the street. Lisa Keltos asked if it were possible that they be able to move it back a foot or so in that area. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a minimum front setback to 16' to allow 16' to 20' for the front setback to install a hot tub per the plans as submitted, noting that no side variance is needed; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

### **Discussion regarding in-person meetings**

Joe DePaul noted that the Board of Education meeting held this evening was an in-person meeting and noted that he would like to resume in-person meetings. John McCartney stated that it was his understanding that the Board of Education's meeting was still held via Zoom but the board was together, socially distancing, using their own computers with public access via Zoom. After a brief discussion, the board decided to continue using the Zoom Web Conferencing Meetings for the time being. Vinny Mancuso made a motion to adjourn the meeting at 9:35 p.m., duly 2<sup>nd</sup>, approved 5-0.