

**New Fairfield Zoning Board of Appeals**  
**New Fairfield, Connecticut 06812**  
**MINUTES**  
**September 17, 2020**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, September 17, 2020** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 975 0011 9555)**. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Dan McDermott and Alternates Ann Brown and Bob Jano.

ZBA members not in attendance: Vinny Mancuso and John McCartney.

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 7:00 p.m. and introduced the Board Members. Secretary Joanne Brown read the Agenda. Joe DePaul made a motion to amend the agenda to discuss a procedural item, duly 2<sup>nd</sup>, approved 5-0.

**Application # 29-20:** Marandi, 31 Inglenook Drive, for variances to Zoning Regulations 3.0.6B Swimming Pools, 3.2.5A, 3.2.6A Front Setback to 20', 3.2.6B Side Setback to 8', 3.2.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of installing a 6.8'x6.8' hot tub. Zoning District: R-44; Map: 41; Block: 8; Lot: 38.

Reza Marandi presented his application for a Front Setback to 20' and a Side Setback to 8' to install a hot tub. Joe DePaul noted that the hot tub exists on the property. Mr. Marandi stated that he is awaiting approval and that the hot tub is not connected and could be moved. Joe DePaul noted that an 8' setback location is close to his neighbor and suggested moving the hot tub further away from the property line toward the house. A brief discussion ensued regarding location. Joe DePaul suggested placing the hot tub toward the rear of the deck. Mr. Marandi noted that the plans showed three footings for fence posts where he intends to place an "L" shaped 6' privacy fence across the front and neighbors side of the property in the area of the hot tub for additional privacy. The board suggested the applicant continue the application to obtain a letter of approval from the neighbor and an accurate survey showing the hot tub placement. Joe DePaul asked the public for comment. None given. John Apple made a motion to continue the application, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 30-20:** Fugelsang, 5 Old Farm Road, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 11.2', 3.2.11, 3.2.8, 7.1.1.1.A&B and 7.2.3A&B for the purpose of constructing a master bath addition. Zoning District: R-44; Map: 23; Block: 6; Lot: 3.

Eric Fugelsang presented his proposal to convert an existing master bath into a closet and build an 8'x14' master bath addition off the rear of the house. Mr. Fugelsang noted that this is the best location for the hot tub because the septic is located 15' from the side of the house and the back location would allow for the addition without increasing impervious surfaces. Joe DePaul questioned if the applicant had obtained a letter from Tim Simpkins stating that the addition should not be placed on the side of the house by the septic. A brief discussion ascertained that a 10' separation must be maintained between a building and the septic. John Apple noted that the R-44 zoning district was full of conforming homes and did not like the idea of increasing nonconformity. Joe DePaul noted that there was a shed in the front yard violating the zoning requirements. Mr. DePaul stated that he did not like to approve applications where there was already a violation of the zoning regulations. Evan White noted that for the R-44, a 0-200 sq. ft. shed required a permit. Mr. Fugelsang stated that he misunderstood the regulations and would be happy to apply for a permit. Bob Jano noted that the applicant's placement of the addition was in a reasonable location and saw no problem. Mr. Fugelsang noted that there was an existing 10' variance on the property for an existing pool. John Apple stated that the variance stays with the property forever. Ann Brown noted that the septic placement should be verified. The applicant presented a sketch showing the septic location on the side of the house. Joe DePaul asked the public for comment. None given. Mr. Fugelsang asked if a letter from his neighbor would help. Joe DePaul noted a letter from Tim Simpkins, the Town Sanitarian, would carry weight. The board suggested that the application be continued. Evan White suggested that the zoning regulation for impervious surfaces be added to the advertisement and, if the applicant increased impervious coverage, he would need to get a storm water management system. John Apple made a motion to continue Application #30-20, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 31-20:** LoGiudice, 54 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 10.8', 3.2.6C Rear Setback to 3.6', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of replacing an existing deck with a 32'x20' deck, adding a Screened Front Porch with Roof and a 3-Season Porch with Roof and hidden sun deck. Zoning District: R-44; Map: 15; Block: 1; Lot: 83-84.

Lonny Lewis, agent for Michael LoGiudice, noted the preexisting nonconforming narrow lot with the house placed in the back. The applicant would like to square off the deck with an addition and add a 3-season room. The existing side setback is 10.8' and rear setback is 5.5'. A brief discussion over the rear setback ensued. Since the proposed deck is on grade level at the rear and is not elevated until it approaches the front of the house, a rear setback of 5.5', not 3.6', is needed with no increase in nonconformity. Joe DePaul also noted that there is an existing shed

in the front yard that will need to be removed as a condition of the variance. The applicant agreed. Joe DePaul asked the public for comment. None given. Bob Jano made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board discussed the applicant's willingness to remove the shed. Joe DePaul made a motion to grant a rear setback to 5.5' and side setback to 10.8' to allow a deck addition per the plans as submitted, noting there is no increase in structural nonconformity and the obligation to remove the shed is a contingency of the variance; the hardship being the irregular shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Bob Jano made a motion to accept the minutes as written, duly 2<sup>nd</sup>, approved 4-0-1, Ann Brown abstaining.

**Application # 32-20:** Ashley, 55 Lavelle Avenue, for variances to Zoning Regulations 3.0.10 Mechanical Equipment, 3.2.5A&B, 3.2.6B Side Setback to 3', 3.2.11, 7.1.1.2 and 7.2.3A& B for the purpose of installing a generator. Zoning District: R-44; Map: 2; Block: 7; Lot: 28.

Diane Ashley gave a brief overview of the preexisting nonconforming lot. A variance is needed due to the proposed placement of the generator in the front plane of the property. The lot has a grade change with an existing retaining wall allowing the generator to be placed behind the retaining wall out of sight in a location most suited to muffle the sound. Ms. Ashley explained that the generator was a small Generac and should not make that much noise. Photos were shown of placement. Joe DePaul noted that he had no problem with the application. John Apple noted that the generator needed airflow and needed to be placed 10' from any window or door. Joe DePaul asked the public for comment. None given. Bob Jano 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 side setback to 3' to allow placement of a generator in the front yard behind a retaining wall per the plans as submitted; the hardship being the slope of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 33-20:** Lee and McKensie, 5 Candlewood Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 14', 3.2.6C Rear Setback to 32', 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 vertical expansion. Zoning District: R-44; Map: 39; Block: 1; Lot: 15.

Stacey Keaney, Keaney & Co., gave an overview of the proposal to rebuild an existing nonconforming home in a different style with a 14'x24' addition on the south side. The property has two previously granted variances; a 14' front setback and a 32' rear setback. The lot is oddly shaped with a triangle shaped building envelope. A brief discussion ensued over the position of the house and the close proximity to the road. Joe DePaul noted that he would not grant a variance for new construction that was not trying to conform to the zoning regulations. Mr. DePaul suggested that the house be pushed back to 22.5' and the 14'x24' addition be put on the

side area. Ms. Keaney requested a 4' x 6' covering over the entrance way, making the front setback 19'. The proposed roof height from average grade is 34'. It was agreed that the application would be continued so the applicant could revise the proposal with a Front Setback to 19' and a Rear Setback to 32'. Joe DePaul asked the public for comment. None given. Bob Jano made a motion to continue Application # 33-20, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 34-20:** McKee, 31 Ridge Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 37.5', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of replacing and enlarging an existing deck. Zoning District: R-44; Map: 15; Block: 4; Lot: 11 &12.

Bob McKee came in front of the board requesting a small deck addition. The existing deck is 20' long and 44" wide which is too narrow to be functional. The applicant proposes to extend the depth of the existing deck an addition 2.5' requiring a front setback to 37.5'. Joe DePaul noted that the existing deck is a fire hazard. Bob Jano 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 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a front setback to 37.5' for a deck addition per the plans as submitted; the hardship being the slope and shape of the lot, and noting the fire hazard of the existing deck, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Joe DePaul noted that voting to go into the Business Session was time consuming and proposed to streamline the process by eliminating the vote to go into the Business Session. Mr. DePaul stated that he could phrase going into the Business Session - without objection, we will enter into the Business Session, giving board members a chance to object. Ann Brown noted that it seemed like a good idea. Joe DePaul made a motion to change the procedures for entering into the Business Session to eliminate the vote, duly 2<sup>nd</sup>, approved 5-0. Dan McDermott made a motion to adjourn the meeting at 8:35 p.m., duly 2<sup>nd</sup>, approved 5-0.