

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
January 21, 2021

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, January 21, 2021** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 994 9362 9231)**. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; Vinny Mancuso; John McCartney; Dan McDermott and Alternate Ann Brown.

ZBA members absent: John Apple, Vice Chairman and Alternate Bob Jano.

Town Officials in attendance: None

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 adopt the agenda, duly 2nd, approved 5-0.

Application # 48-20: Knox, 27 Candlewood Drive, for variances to Zoning Regulations 3.0.6B Swimming Pools, 3.2.5A&B, 3.2.6A Front Setback to 18', 3.2.6C Rear Setback to 13', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 20'x22' deck with hot tub. Zoning District: R-44; Map: 39; Block: 7; Lot: 17.

Applicant Gordon Brown gave a brief overview of the proposal requesting a 20'x22' deck to include a 7'x7' hot tub. Mr. Brown stated that the property is a preexisting nonconforming lot with ledge and sloping in the rear. Joe DePaul noted that the applicant was recently granted a variance from the Board in October for a deck. Mr. Brown stated that, unfortunately, he had the measurements wrong and is returning to the board with accurate measurements to make the most usable space of his property. Joe DePaul noted that the applicant has a large existing deck on the back of the house and already has approval for another deck in the front. Mr. Brown stated that the property line tapers in following the road. A brief discussion ensued about increasing nonconformity. Vinny Mancuso noted that the hot tub could be placed on the back deck and would not be seen from the road. John McCartney suggested that the hot tub could be placed on the deck within the setbacks which were previously granted in October by angling the deck. The board agreed that the hot tub should be placed within the setbacks already granted. Joe DePaul stated that the applicant had two choices. The applicant could modify his proposal to withdraw the portion requesting the deck to leave the variance in place and only request the hot tub or have the application bifurcated to vote on both the deck and the hot tub. The applicant agreed to withdraw the application for the deck and to request a variance for the hot tub only. The hot tub would be placed on the corner of the deck not touching the house closest to the rear of the deck. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Vinny Mancuso agreed that this was the best solution. Dan McDermott saw no issue with the proposal. Joe DePaul made

a motion to grant a variance per the plans as submitted and modified to allow a hot tub to be placed on the deck approved in the previous variance granted in Application #40-20 with a front setback to 20.2' and a side setback to 20'; the hardship being the amount of ledge and that the property is a corner 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 # 51-20: Audo, 4 Byebrook Court, for variances to Zoning Regulations 3.0.9C Pergola for the purpose of constructing a 12'x12' pergola over a 12'x12' patio. Zoning District: R-88; Map: 13; Block: 2; Lot: 1.3.

Joe Reilly, agent for the applicant, gave a brief overview of the proposal to construct a 12'x12' pergola over a 12'x12' patio. Joe DePaul noted that if the pergola was kept to 10'x10', it would not require a variance. Mr. Reilly noted that the pergolas come in a kit, and that size is not available and changing the size would negate the warranty. No setbacks are required. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board saw no issue with the application. Joe DePaul made a motion to grant a variance to construct a 12'x12' pergola per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 52-20: Caplan, 4 Cove Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setbacks to 6.2' and 14.5', 3.2.6C Rear Setback to 20.3', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E to construct a one story addition for entry and second floor addition with screened porch above existing deck. Zoning District: R-44; Map: 25; Block: 1; Lot:44.

Stacey Keaney, Keaney & Co., went over the proposal to replace an existing dormer and add another dormer to construct a porch over an existing deck with stairs. Ms. Keaney noted the lot was oddly shaped with ledge and the 440-line cuts through the property through the garage. A brief discussion ensued about where the porch and sliders and stairs would be placed. The side setbacks are existing. It was determined that the stairs would increase nonconformity by 5'. Ms. Keaney noted that the stairs were needed for another egress and was a safety issue. Mr. DePaul asked if the stairs could be moved to stay within the setbacks. It was determined that the stairs, if moved to inside the patio, would block the windows and the views. Joe DePaul asked the board how they felt about increasing nonconformity. Vinny Mancuso saw no issue. John McCartney noted that although he did not like to increase nonconformity, he did not see another option. Ann Brown noted that the lot is oddly shaped and there is not another viable place for the stairs. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a rear setback to 20.3' and side setbacks to 6.2' and 14.5' to allow construction of an addition per the plans as submitted; the hardship being the oddly shaped lot and placement of the 440 line, duly 2nd, approved 5-0. Variance granted.

Application # 53-20: Reif, 16 Keplers Way, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 8', 3.2.6B Side Setback to 10', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an 16'x27.6' addition to extend the family room and master bedroom with

storage above and install (2) 5' dormers on existing. Zoning District: R-44; Map: 45; Block: 5; Lot: 18.

Agent Joe Coelho came in front of the board. Joe DePaul noted that he had an issue with the massive increase in nonconformity when there was a vacant area of the property to the right side and rear of the house. Joe Coelho stated that the grassy area to the side was reserved for the reserve septic and the rear was filled with ledge with an uphill incline. The left side was the easiest and most accessible area for the location of the addition. Mr. Coelho explained that the addition included an open deck with catwalk to grant easier access with a lower grade and less steps for easier accessibility. Joe DePaul suggested removing the deck to reduce the nonconformity. Vinny Mancuso agreed that the proposal was too close to the road. Joe DePaul suggested that the addition be placed on the slate patio without interfering with the septic system. Mr. Coelho noted that 15' was still needed from the house to the septic and it would not be feasible. Mr. Coelho explained that Engineer Ralph Gallagher had run perk tests and Zoning Enforcement Officer Evan White had agreed that the area to the left would be best for the addition. Joe DePaul noted that the burden of proof was on the applicant and suggested that the applicant return with the engineer's plans and letter from the Health Department clarifying the placement of the septic. John McCartney noted that the lots in the Knolls are tiny and it is a challenge. The board suggested a continuance until next month and the applicant agreed. Vinny Mancuso made a motion to continue Application # 53-20, duly 2nd, approved 5-0. Application Continued.

Application # 54-20: Ventura, 1 Almargo Avenue, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 20', 3.2.6B Side Setback to 6.4', 3.2.6C Rear Setback to 30', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of installing a bump out shed roof dormer over main front roof dormer. Zoning District: R-44; Map: 40; Block: 2; Lot: 10.

Joe Coelho, agent for Ventura's, explained that the applicants have an interior loft. During construction of a bathroom, once the vaulted ceilings were opened, the applicants requested to add a window for more light by bumping out a dormer. There is no increase in nonconformity. The lot is oddly shaped. The board had no issues with the application. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 20', a side setback to 6.4' and a rear setback to 30' to allow construction of a shed dormer per the plans as submitted; the hardship being the size of the lot, duly 2nd, approved 5-0. Variance granted.

Vinny Mancuso made a motion to adjourn the meeting at 8:40 p.m., duly 2nd, approved 5-0.