

**New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812**

**MEETING MINUTES
July 19, 2018**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, July 19, 2018, in the Community Room of the New Fairfield Public Library located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: John Apple, Vice Chairman; Vinny Mancuso; Dan McDermott and Alternate Ann Brown.

ZBA members not in attendance: Joe DePaul, Chairman; John McCartney

Town Officials in attendance: None

Vice Chairman John Apple called the meeting to order at 7:00 p.m. and introduced the Board Members. John Apple explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the Agenda. Vinny Mancuso made a motion to adopt the agenda, July 2nd, approved 4-0. Secretary Joanne Brown read the Call of the Meeting.

Continued Application # 20-18: Ostuni, 5 Lakeshore North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 38.6', 3.2.6B Side Setback to 10.9', 3.2.6C Rear Setback to 1.5', 3.2.7, 3.2.8 Maximum Impervious Surfaces, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of second story vertical expansion. Zoning District: R-44; Map: 40; Block: 6; Lot: 2&3.

Vinny Mancuso made a motion to hear Continued Application # 20-18, July 2nd, approved 4-0. Lori Ann and Charles Ostuni and Agent, Bruce Hickey, returned to the board with a letter from Gerald and Barbara Neal, 4 Lakeshore North, stating they had no objection to the proposed addition as requested last month by the board. The applicant also fully cut down and removed the tree that was blocking the view of the neighbors. Bruce Hickey stated that there was one small item that has changed. The proposed plans originally had a shed dormer over the front garage and the applicant now proposes a gable style dormer which would have exactly the same dimensions as the shed dormer. The applicant stated that the height of the roof did not change. The board had no issue with the change in dormer style. John Apple asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2nd, approved 4-0. John Apple stated that the applicant fully complied with the board's request for the tree removal and obtained the letter from the neighbor stating no objection. Vinny Mancuso saw no problem with the application. John Apple made a motion to grant a variance with a front setback to 38.6', a side setback to 10.9' and a rear setback to 1.5' to construct a second story vertical expansion per the plans as submitted; the hardship being the size and shape of the lot, July 2nd, approved 4-0. Variance granted.

While in the Business Session, Dan McDermott made a motion to accept the minutes as read, July 2nd, approved 3-0-1, Dan McDermott abstaining.

Continued Application # 24-18: Kern, 4 Shore Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 38.1', 3.2.6B Side Setbacks to 10.8' and 9.8', 3.2.6C Rear Setback to 44', 3.2.7, 3.2.11, 7.1.1.2 and 7.2.3A,B,&E for the purpose of constructing a second story vertical expansion, to expand an existing 18'x10' porch into 24'x10' of living space and to construct a 23'x10' deck off the rear of the house. Zoning District: R-44; Map: 10; Block: 1; Lot: 13.

Vinny Mancuso made a motion to hear Continued Application # 24-18, July 2nd, approved 4-0. Michael Seaman returned to the board and gave a brief overview of the confusion over the dimensions and produced three letters from the neighboring properties. John Apple read a letter into the record from Justin Miller, 1 Shore Drive, stating that he had no objection to the proposal. Mr. Seaman stated that there was no increase in nonconformity except for a small area to increase the porch and produced several photos of the property. John Apple asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2nd, approved 4-0. Vinny Mancuso stated that the applicant obtained the letters from the neighbors stating no objections and the photos that the board requested at the last meeting. John Apple made a motion to grant a front setback to 38.1, side setbacks to 10.8' and 9.8' and a rear setback to 44' to construct a vertical expansion per the plans as submitted noting no increase in nonconformity; the hardship being the size and shape of the lot, July 2nd, approved 4-0. Variance granted.

Application # 25-18: Knollcrest Real Estate Corporation, 18 Eastview Road, for variances to Zoning Regulations 3.0.4C,D,E&F Minor Accessory Buildings, 3.2.5A&B, 3.2.6B Side Setback to 7.6', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of replacing an existing shed with a 10'x14' pre-constructed shed. Zoning District: R-44; Map: 11; Block: 3; Lot: 9.

Ann Brown made a motion to hear Application # 25-18, July 2nd, approved 4-0. Mark Gronk came before the board to represent the Knollcrest Real Estate Corporation and Applicant Michael Gasparino. Vinny Mancuso asked if Mr. Gronk had an authorization letter from the applicant. Mr. Gronk stated that he did not. John Apple stated that we are unable to the application without an authorization letter but asked Mr. Gronk exactly where the shed would be placed. Mr. Gronk stated that it would be on the beach area. Vinny Mancuso made a motion to continue Application # 25-18 until next month, July 2nd, approved 4-0. Application continued.

Application # 26-18: Prata, 16 Lake Drive North, for variances to Zoning Regulations 3.0.2A Table of Zoning Requirements, 3.2.5A&B, 3.2.6B Side Setbacks to 5.3' (North) and 5' (South), 3.2.6C Rear Setback to 33.3', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of removing an existing house and constructing a new single family house with patio and decks. Zoning District: R-44; Map: 15; Block: 6; Lot: 72.

Dan McDermott made a motion to hear Application # 26-18, July 2nd, approved 4-0. Dorothy and Albert Prata approached the board with their proposal to tear down an existing house and rebuild a new one; the hardship being the narrow lot and steep slope of the property. Mr. Prata

produced photos of the existing house and drawings of the proposed house. The house would stay mostly within the existing envelope with one section slightly different. Ann Brown asked if the applicants were reducing nonconformity. Mr. Prata stated that the side setbacks would be reduced and the rear would be slightly increased due to the overhang. Dorothy Prata explained that currently there was no access to the backyard and the only access to it was through their neighbor's yard. A brief discussion ensued over the catwalk and staircase to the property. John Apple stated that the property was very steep and narrow. Ann Brown stated that the applicant was decreasing nonconformity by reducing the side setbacks. Mr. Prata also stated that he would be decreasing the impervious area by removing asphalt on the property. John Apple asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2nd, approved 4-0. Vinny Mancuso noted that he saw no problems with this application and there was no real increase in nonconformity. John Apple made a motion to grant a north side setback to 5.3', a south side setback to 5' and a rear setback to 33.3' to tear down an existing house and construct a new one per the plans as submitted; the hardship being the steep and narrow lot, July 2nd approved 4-0. Variance approved.

Application # 27-18: Landry, 6 Penny Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 19.8', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of a second story vertical expansion. Zoning District: R-44; Map: 10; Block: 10; Lot: 3.

John Apple read an email from Agent, Tammy Zinick requesting that the application be tabled for this month as they were unable to obtain an A2 Survey and asked to be put on next month's agenda. The application remained unopened.

Application # 28-18: DellAngelo, 14 Candle Hill Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 43', 3.2.6B Side Setback to 6', 3.2.6C Rear Setback to 42' for the proposed house addition; 3.2.6B Side Setback to 2', 3.2.6C Rear Setback to 2' for the shed, 3.2.7, 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a 17'x 9' addition to the house and constructing a 16' x 12' shed in the rear. Zoning District: R-44; Map: 44; Block: 10; Lot: 17.

Vinny Mancuso made a motion to hear Application # 28-18, July 2nd, approved 4-0. Mario DellAngelo approached the board and stated that he was not going to go forward with the proposed shed. Mr. DellAngelo also stated that he was unable to obtain an A2 survey due to Jim Piro's unavailability until August. Mr. DellAngelo gave a brief overview of the shed placement and how it was moved closer to the house. Mr. DellAngelo would like to move it away from the septic and closer to where it originally stood. Vinny Mancuso noted that this proposal would greatly increase nonconformity. Mr. DellAngelo stated that his water tank froze in his basement once last year and twice this year and needed to be moved into a proposed utility room. A brief discussion ensued over the requested setbacks. John Apple stated it was very hard to grant a variance so close to the neighbor's property line. The board asked if there were other areas that would work instead of the side setback. Mr. DellAngelo stated that the front of the house contained the kitchen and the other side the bedrooms. Ann Brown asked if the deck area would work. John Apple suggested that the applicant go over the design with a professional to find another area that would not increase nonconformity. Mr. DellAngelo agreed to continue until next

month to explore other areas. Vinny Mancuso made a motion to continue Application # 28-18, July 2nd, approved 4-0. Application continued.

Vinny Mancuso made a motion to adjourn the meeting at 7:44 p.m., July 2nd, approved 4-0.