

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

**MEETING MINUTES  
July 27, 2017**

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 27, 2017 in the New Fairfield Public Library, located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

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

ZBA members absent: John Apple, Vice Chairman and Patrick Hearty

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:00 p.m. and introduced the Board Members. Joe DePaul 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 2<sup>nd</sup>, approved 4-0. Secretary Joanne Brown read the Call of the Meeting.

**Continued Application # 19-17:** Serokosz, 15 Erin Drive, for variances to Zoning Regulations 3.1.5A&B, 3.1.6A Front Setback to 34', 3.1.6B Side Setback to 22', 3.2.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of building an attached garage and breezeway. Zoning District: R-88; Map: 23; Block: 15; Lot: 21.

Vinny Mancuso made a motion to hear Continued Application # 19-17, July 2<sup>nd</sup>, approved 4-0. Mark Serokosz returned to the board with revised plans after taking the board's suggestions into consideration. The new proposal would remove the breezeway and place the garage against the house, decreasing the side setback from 22' to 31'. Joe DePaul stated that this was a much better proposal. There would be no need for a front setback. Vinny Mancuso commented that the applicant took the board's prior suggestion into consideration. The top floor of the garage would be a bonus room for storage with no immediate plans for heating. Mr. Serokosz explained that the extra 4' extension would extend beyond the back of the house with no need of a variance and would allow stairs to the top floor. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 4-0. The board saw no problem with the new proposal which eliminated the breezeway and front variance. Joe DePaul made a motion to grant a Side Setback to 31' per the revised plans as submitted to allow a garage addition to the house with no breezeway; the hardship being the irregular size and shape of the lot, July 2<sup>nd</sup>, approved 4-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to adopt the minutes as read, July 2<sup>nd</sup>, approved 4-0.

**Appeal # 01-17:** Cicerone and Arsan, 100 Gillotti Road. Appeal of ZEO's Cease and Desist Order in violation of Zoning Regulations 1.5.2A,B,F&G Prohibited General Uses, 3.1.1C&F Uses Permitted at Right and 8.8.2 Dealers and Repair Licenses, Gasoline and Motor Oil Sales, for operating an illegal in-home auto repair business in a residential neighborhood at their property at 100 Gillotti Road. Zoning District: R-88; Map: 23; Block: 16; Lot: 93.

Joe DePaul read into the record a fax from Kim Cicerone requesting a continuance due to a conflict with their attorney's schedule. Joe DePaul stated that since the Appeal was not opened, it will remain unopened and not require a continuance. The Appeal will be on the agenda for August.

**Application # 22-17:** Girl Scouts of Connecticut, 29 Bogus Hill Road (Right of Way) for variances to Zoning Regulations 3.0.2A Table of Zoning Requirements, 3.0.4C,D,E&F Minor Accessory Buildings and Structures, 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of replacing an 8'x8' existing guard shed with a new 8'x12' guard shed. Zoning District: R-44; Map: 6; Block: 4; Lot: 84 & 84A.

John McCartney made a motion to hear Application # 22-17, July 2<sup>nd</sup>, approved 4-0. Carol Flynn, President of the Tax District and Loris Eminente, Treasurer, approached the board. Mr. Eminente gave a brief overview of the disrepair of the current shed and plans to demolish it and replace a new one using the existing concrete pilings. The current shed is 8'x8' and will be replaced with an 8'x12' shed which will allow for storage of cones and materials used by the guards. Mr. Eminente stated that Wetlands has already approved the plan. The property lines were discussed. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 4-0. The board saw no problems with the application. Joe DePaul made a motion to grant a Rear Setback to 0' to allow a 8'x12' shed to replace the existing shed in the same spot; the hardship being the small size of the area on Bogus Hill Road, July 2<sup>nd</sup>, approved 4-0. Variance granted.

**Application # 23-17:** Al-Agha, 64 Lake Drive South, for variances to Zoning Regulations 3.0.2A Table of Zoning Requirements, 3.0.5C Private Detached Garage(s), 3.2.5A&B, 3.2.6C Rear Setback to 20', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of reconstructing an existing garage. Zoning District: R-44; Map: 20; Block: 1; Lot: 27.

John McCartney made a motion to hear Application # 23-17, July 2<sup>nd</sup>, approved 4-0. Attorney Anthony Yorio approached the board on behalf of the Al-Aghas. Mr. Yorio gave a brief description of the garage and the reconstruction needed after a car crashed into it and knocked it off its foundation last year. The new proposal incorporates a safer design, moving the garage back 20' off the road, allowing room to walk around a car in the driveway while decreasing nonconformity by 4'. The challenging topography was discussed. Joe DePaul questioned whether a front or rear setback was needed. A lengthy discussion ensued and it

was agreed that a front setback was needed. The applicant agreed to amend the application and continue to next month so that the advertisement could be corrected. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to continue the application until next month, July 2<sup>nd</sup>, approved 4-0. Application Continued.

**Application # 24-17:** Mead, 35 & 37 Lake Drive South, for variances to Zoning Regulations 3.0.2A Table of Zoning Requirements, 3.2.6A Front Setback to 11', 7.1.2.2A,B&C Vacant Lots Not in Validated Subdivision or Recorded Approved Subdivision and Resubdivision for the purpose of constructing a garage. Zoning District: R-44; Map: 20; Block: 6, Lot: 8.2 & 5.2.

Ann Brown made a motion to hear Application # 24-17, July 2<sup>nd</sup>, approved 4-0. Attorney Anthony Yorio and Mike Mazzucco, PE, approached the board with a proposal for new construction requesting an 11' front setback for a proposed garage. Mr. Yorio presented plans and an aerial photo of the topography noting the steep drop-offs on the property. Mr. Yorio stated that the building envelope was very small and the placement of the garage was best placed to accommodate the lower level walkout of the proposed house. A lengthy discussion ensued about placement of the garage, the topography and esthetics. Joe DePaul stated that he had a problem with new construction and an 11' setback. Mr. Yorio reiterated that they had contemplated numerous designs. Mike Mazzucco noted the extreme topography and changes in grade and septic placement. The house would be the highest house on the hill and would not block any views. Joe DePaul questioned whether the garage could be placed elsewhere stating that the grade was not so steep as to rule out other options and was not convinced that it could not be placed elsewhere. The views from Lake Shore Drive were discussed. The wooded area would be cleared for construction and septic. The size of the garage was discussed. Attorney Yorio stated that the garage was a modest 2-car 22'x24' garage and this plan was the only plan that made sense from an esthetic point of view. Joe DePaul stated that this proposal was radically nonconforming for new construction. Attorney Yorio countered that the hardship was the challenging topography with a small buildable envelope in an area where nonconforming is the norm. Attorney Yorio asked that the application be continued until next month. Ann Brown made a motion to continue Application # 24-17 until next month, July 2<sup>nd</sup>, approved 4-0. Application continued.

**Application # 25-17:** Giafone, 10 Cecelia Lane, for variances to Zoning Regulations 3.0.2A Table of Zoning Requirements, 3.0.5C Private Detached Garage(s), 3.2.5A&B, 3.2.6B Side Setbacks to 10' and 5.6', 3.2.6C Rear Setback to 15', 3.2.7, 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a new 28'x24' garage, a second floor addition, vertical expansion and a new deck. Zoning District: R-44; Map: 10; Block: 8; Lot: 15.

Ann Brown made a motion to hear Application # 25-17, July 2<sup>nd</sup>, approved 4-0. John Giafone and architect, Chad Nehring, approached the board. Mr. Nehring gave an overview of the proposal to construct a 28'x24' garage with a 10' Side Setback on the North property line. The existing garage drops down 4' and is a safety issue with ice and snow. There has been an accident on the property. The property lines were discussed and placement of the neighbors houses. John McCartney presented photos he had taken from the property. Mr. Nehring discussed how the current garage will become living space and the adjacent shelter which houses lawn equipment and jet skis will become enclosed with living space over it. The

house is currently 1,492 sq. ft. and will be enlarged to approximately 3,200 sq. ft. plus the garage. John McCartney asked if the neighbors were notified of their possible view change. Joe DePaul stated that it was the board's policy to send letters to adjoining neighbors whose views might be compromised. Joe DePaul stated that he had a problem with hardship – the applicant already has a garage and would increase nonconformity on many fronts. The applicant stated that the roof would be raised and a third level added. A rear variance would be needed for a deck in the rear. John McCartney asked about the proposed roof height. The applicant responded that the new height would be 33' from the basement slab. The property line, 440 line and setbacks needed were discussed. The board offered suggestions on improving the proposal by moving the garage within the 20' setback, eliminating the side shelter and keeping any deck within the existing 25' rear setback. The board suggested decreasing nonconformity to ease the question of hardship. Joe DePaul stated that the board would notify the neighbors at 3 and 8 Cecelia of the application. The applicant agreed to continue the application until September in order to have time to amend the application. John McCartney made a motion to continue Application # 25-17, July 2<sup>nd</sup>, approved 4-0. Application continued.

Vinny Mancuso made a motion to adjourn at 8:42 p.m., July 2<sup>nd</sup>, approved 4-0.