

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

**MEETING MINUTES  
August 17, 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, August 17, 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; John Apple, Vice Chairman; Vinny Mancuso; John McCartney and Alternate Ann Brown.

ZBA members absent: 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, duly 2<sup>nd</sup>, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

**Continued 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, 3.2.6A Front 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.

Vinny Mancuso made a motion to hear Continued Application # 23-17, duly 2<sup>nd</sup>, approved 5-0. Attorney Anthony Yorio approached the board and noted that this application was continued to correctly advertise the front setback. Attorney Yorio stated that there would be a 4' decrease in nonconformity even though the garage would be slightly larger. John Apple made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board had no problems with the application and noted the decrease in nonconformity. Joe DePaul made a motion to grant a front setback to 20' for the purpose of reconstructing a garage noting that there is a decrease in nonconformity, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to adopt the minutes as read, duly 2<sup>nd</sup>, approved 4-0-1; John Apple abstaining.

**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 Continued Application # 24-17, July 2<sup>nd</sup>, approved 5-0. Attorney Anthony Yorio and Mike Mazzucco, PE, presented revised surveys, site plans, and topographic maps for the new construction, taking into account the suggestions made by the Chairman and the board at the last meeting. The original application asked for a front setback to 11'. The revised proposal would slightly angle the house and slide it south because of the steep grade issues east to west. Joe DePaul questioned why the variance was for the garage and not the whole house. Attorney Yorio stated that since the garage was attached, the setback would be for the whole structure. A lengthy discussion ensued about the topography of the site and the enormous retaining wall that would be needed if the garage was placed even with the house. Joe DePaul stated that he did not like to see any new construction violate the Zoning Regulations. Attorney Yorio restated that the topography and existing septic location on the lot made the buildable envelope only feasible with the house's existing position. Vinny Mancuso commented that the applicant did take the boards' suggestions into account and did the best they could. John Apple commented that Candlewood Isle had previously been zoned for smaller lots with smaller setbacks. When the zoning changed to increase the minimum lot size, it made it difficult for some lots to meet the setbacks required. Vinny Mancuso agreed. Attorney Yorio noted that the proposal would not obstruct any neighbor views and there was no objection to the proposal. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Joe DePaul stated that he personally had a problem with new constructions violating the Zoning Regulations. Ann Brown stated that the topography made construction difficult. John McCartney stated that if the garage was placed next to the house, it would make the house 112' long. Joe DePaul made a motion to grant a front setback to 18' to allow construction of a new house and garage per the plans as submitted; the hardship being the size and slope of the lot, July 2<sup>nd</sup>, approved 4-1, Joe DePaul denying. Variance Granted.

**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. \* ***continued to September meeting*** \*

Joe DePaul stated that it was agreed at the last meeting to continue Application # 25-17 to the September meeting.

**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.

John McCartney made a motion to hear Appeal # 01-17, July 2<sup>nd</sup>, approved 5-0. Joe DePaul stated that Evan White, ZEO, had requested that this appeal be continued until next month. A

letter from Attorney Dennis P. McDonough, attorney for Ms. Cicerone and Ms. Arsan, was also read into the record requesting a continuance due to his unavailability on the evening of August 17, 2017. Vinny Mancuso made a motion to continue Appeal # 01-17, duly 2<sup>nd</sup>, approved 5-0.

**Application # 26-17:** Williams, 17 Cloverleaf Drive, for variances to Zoning Regulations 3.0.4C1&2,F1&2 Minor Accessory Buildings and Structures, for the purpose of erecting a 16'x12' shed in front plane of property. Zoning District: R-88; Map: 13; Block: 4; Lot: 23.19.

John Apple made a motion to hear Application # 26-17, duly 2<sup>nd</sup>, approved 5-0. David Williams returned to the board. Mr. Williams explained that he had been previously granted a variance for the shed but in restaking the property lines found out that the area narrowed and a stone retaining wall would have to be excavated to construct the shed. Due to the topography of the area, the new proposal would locate the shed on the side of the driveway even with the garage not in the front plane of the property which would be easily accessible. Joe DePaul stated that he agreed with the applicant on the placement of the shed. Ann Brown commented that the lot was very steep. Joe DePaul asked how big the shed would be. Mr. Williams stated that the shed would be 16'x12' and 325 sq. ft. Joe DePaul referred to the Zoning Regulations and concurred that was the correct size for the lot. 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 stated that he had no problems with the application. Joe DePaul made a motion to grant a variance to construct a shed in the side yard behind the front plane of the house; the hardship being the shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 27-17:** Feinberg, 10 Heritage Island Road, for variances to Zoning Regulations 3.2.6C Rear Setback to 35' for the purpose of building an in-ground pool. Zoning District: R-44; Map: 3; Block: 3; Lot: 20.

John Apple made a motion to hear Application # 27-17, duly 2<sup>nd</sup>, approved 5-0. Peter Young, agent for the Feinbergs, approached the board. Mr. Young stated that the lot was developed with the setback required for a pool and relied on the survey from the 440 line. Mr. Young explained that the 440 line has changed location since the house was built due to requirements from First Light. This has reduced the size of the lot and; therefore, the setback. Mr. Young presented a letter from First Light into the record which noted no objection. A lengthy discussion ensued about surveying and measurements to the 440 line. The lots in the New Fairfield side of Sail Harbour are R-44 lots, while the Sherman side lots are R-88 lots. Joe DePaul asked the public for comment. None given. Ann Brown made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board stated that they did not have a problem with the application if First Light had no objections. Joe DePaul made a motion to grant a rear setback to 35' to allow construction of an in-ground pool per the plans as submitted; the hardship being the changing nature of the 440 line; duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 28-17:** Mandella, 188 State Route 39, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 9', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of

constructing an addition, garage, fireplace and larger deck to an existing house. Zoning District: R-44; Map: 10; Block: 5; Lot: 15.

John Apple made a motion to hear Application # 28-17, duly 2<sup>nd</sup>, approved 5-0. Stacey Keaney, Keaney & Co., and applicant, James Mandella, approached the board. Ms. Keaney explained that they are requesting a 9' side variance for a two-car garage. The existing garage is to be removed and two bedrooms would be placed off a center hallway. The placement of the house was discussed and what was considered front and side. Joe DePaul stated that the proposal would increase nonconformity on the side. The location of the two bedrooms and existing chimney location were discussed. The current side setback is 15.5' and front setback is 38.4' which is preexisting nonconforming. Joe DePaul suggested that the applicant revise their plans to relocate the proposed bedrooms and maintain the existing setbacks and continue the application until next month. Vinny Mancuso made a motion to continue Application # 28-17, duly 2<sup>nd</sup>, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:06 p.m., duly 2<sup>nd</sup>, approved 5-0.