

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut 06812

MEETING MINUTES **September 18, 2017**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Monday, September 18, 2017 at the Company A Firehouse, located at 302 Ball Pond Road. Secretary Joanne Brown took the Minutes.

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

ZBA members absent: John Apple, Vice Chairman.

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 2nd, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

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.

Joe DePaul read an email from Architect Chad Nehring withdrawing the application in order to redesign the proposal and resubmit it next month.

Continued 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.

Vinny Mancuso made a motion to hear Appeal # 01-17, duly 2nd, approved 5-0. Joe DePaul read an email from Attorney Dennis McDonough requesting a continuance until next month. Patrick Hearty made a motion to continue Appeal # 01-17, duly 2nd, approved 5-0. Appeal continued.

Continued 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 McCartney made a motion to hear Continued Application # 28-17, duly 2nd, approved 5-0. Applicant James Mandella and Agent Stacey Keaney, Keaney & Co., returned to the board with a revised proposal after taking the board's suggestions into account. The new proposal would maintain the existing 15.5' side setback, with no increase in nonconformity; however, the revised plan encroaches 1' into the front yard setback. The application will be continued to next month to correctly advertise the front and side yard setbacks. Patrick Hearty made a motion to continue Application # 28-17, duly 2nd, approved 5-0. Application continued.

Application # 29-17: Hearth Home Builders LLC, 2 Barn Brook Drive, for variances to Zoning Regulations 3.1.6A Front Setback to 60' and 3.1.6C Rear Setback to 36' for the purpose of constructing a single family house. Zoning District: R-88; Map: 13; Block: 2; Lot: 1.1.5.

Ann Brown made a motion to hear Application # 29-17, duly 2nd, approved 5-0. Patrick Hearty recused himself from the application. Wayne Skelly of Hearth Home Builders approached the board requesting a front setback to 60' and a rear setback to 36' to construct a single family house in a new subdivision. Mr. Skelly explained that the hardship was the unusual configuration of the lot and the location of the septic system. Joe DePaul asked who created the lot with the hardship. Mr. Skelly answered that the builder did. Joe DePaul replied that it was very difficult to grant a variance to a self-created hardship. Mr. Skelly explained that the subdivision was approved by the Planning Board with the rear yard setback as a side yard which did not require a variance. Evan White, ZEO, indicated that he considered the side yard a rear yard and a setback variance is required. A discussion ensued about the intent of the two acre zone and it was noted that this lot abutted more than six other properties. Joe DePaul stated that any new construction should meet the zoning regulations. A brief discussion ensued about the placement of the road. Mr. Skelly stated that the road was built according to the town engineer's request three to four years ago. Joe DePaul explained the history of the barn and that the pond and barn were made part of the existing house and the Zoning Commission gave an exception for the barn as a historic property. Joe DePaul stated that there had to be a better way to design the lot. Mr. Skelly stated that Phase 3 of the subdivision was approved and this was the only lot in Phase 2 which would require a variance. Joe DePaul questioned why they had to put a house on the lot. William DiTulio commented that they were trying to construct a house that would conform to the rest of the houses in the development. Joe DePaul found it hard to believe that Planning would approve the lot and reiterated that new construction should meet zoning regulations. Joe DePaul suggested that the application be continued to gather further information from Planning and Zoning and whether the setback is a side or rear setback. Ann Brown made a motion to continue the application, duly 2nd, approved 4-0. Application continued.

Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. Vinny Mancuso made a motion to accept the Minutes as read, duly 2nd, approved 4-0-1, Patrick Hearty abstaining. Vinny Mancuso made a motion to adjourn at 7:45 p.m., duly 2nd, approved 5-0.