

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

**MEETING MINUTES  
November 16, 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, November 16, 2017 in the Community Room at 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; Patrick Hearty; John McCartney 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 7:01 p.m. and introduced the Board Members. Joe DePaul explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the Agenda. Joe DePaul made a motion to amend the agenda to adopt the 2018 ZBA Calendar at the end of the meeting, duly 2<sup>nd</sup>, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

**Continued Application # 33-17:** Meyers, 16 Beaver Bog Road, for variances to Zoning Regulations 3.1.5B, 3.1.6A Front Setback to 35', 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing an attached three-car garage with living space above. Zoning District: R-88; Map: 13; Block: 6; Lot: 6.5

Patrick Hearty made a motion to hear Continued Application # 37-17, duly 2<sup>nd</sup>, approved 5-0. David and Joanne Meyers returned to the board with a revised proposal moving the garage location to the back of the house. The proposed addition would not include any living space. The entry way would be placed to the rear of the house with the driveway wrapping around the rear. A side setback to 30.1' would now be needed and the front setback originally requested would be eliminated. Joe DePaul stated that the application would have to be re-advertised with the side setback and noted that there is no increase in nonconformity in the back of the house. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to continue Application # 33-17 to next month to allow for the correct advertisement, duly 2<sup>nd</sup>, approved 5-0.

**Application # 34-17:** Corbin, 51 Lavelle Avenue, for variances to Zoning Regulations 3.2.5A&B, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a partially covered porch off the rear of the house. Zoning District: R-44; Map: 2; Block: 7; Lot: 26 + 27.

John McCartney made a motion to hear Application # 34-17, duly 2<sup>nd</sup>, approved 5-0. Applicant Charles Corbin approached the board with a proposed addition to the back of the house. The

applicant explained that the proposal does not violate any setbacks. The variance was needed because of the lot size. Joe DePaul produced photographs of the house and stated that the 440 line was 50' away from the house. Patrick Hearty reiterated that the hardship was the irregular lot size. Joe DePaul asked the public for comment. None given. Patrick Hearty made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Vinny Mancuso saw no problem with the proposal. Joe DePaul made a motion to grant a variance to construct a partially covered porch over a rear deck per the plans as submitted, noting that there was no increase in nonconformity regarding setbacks; the hardship being the size and shape of the lot, July 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, July 2<sup>nd</sup>, approved 4-0-1, John McCartney abstaining.

**Application # 35-17:** Bernardini, 90 State Route 39, for variances to Zoning Regulations 4.1.4A Front Setback to 35' Minimum Building and Structure Setbacks for the purpose of changing the roofline from a flat tar roof to a gable roof on a previously approved variance. Zoning District: B/C; Map: 19; Block: 12; Lot: 19.

Patrick Hearty made a motion to hear Application # 35-17, July 2<sup>nd</sup>, approved 5-0. Applicant David Bernardini returned to the board. The roofline overhang on the previously approved variance was 30" closer to the street; there were no other changes to the variance. Joe DePaul asked the public for comment. None given. Vinny Mancuso stated that he saw no problem with the change. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a Front Setback to 35' to allow construction of a roof per the plans as submitted; the hardship being the present placement of the front door to the street and safety concerns, July 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 36-17:** Dean, 10 Sunset Trail, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 10', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a portico over an existing entry way. Zoning District: R-44; Map: 15; Block: 6; Lot: 38-39.

Patrick Hearty made a motion to hear Application # 36-17, July 2<sup>nd</sup>, approved 5-0. Barbara Dean approached the board requesting a covering over the front stairs due to safety concerns in the snow and ice. Joe DePaul stated that personal hardship cannot be considered as a reason to grant a variance. A lengthy discussion followed regarding other entry ways in and out of the home in the inclement weather. Overhangs and portico descriptions were discussed. Vinny Mancuso agreed that safety was an important concern. The board discussed covering the stairs without building a portico, constructing an overhang with two columns, if needed to support the roof. Dimensions were discussed from the stairway to the road. The existing measurement from the front stairway to the road is 19.6'. The board agreed that 6' would be needed to cover the stairs and the variance would be granted on the condition that it would not extend past the bottom step. 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 5-0. Vinny Mancuso stated that 6' was a fair compromise. Joe DePaul made a motion to grant a Front Setback to 13.5' for the purpose of constructing an roof overhang, with no sides, only pillars if necessary that do not extend past the

bottom first step; the hardship being the narrow shape of the lot, closeness to the road and safety concerns, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 37-17:** Rubio, 61 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 6.2', 3.2.6B Side Setback to 7.6', 3.2.7, 3.2.11, 7.1.1.2, and 7.2.3A,B&E for the purpose of demolishing an existing garage and rebuilding a new garage on the existing footprint. Zoning District: R-44; Map: 15; Block: 1, Lot: 4.

Vinny Mancuso made a motion to hear Application # 37-17, duly 2<sup>nd</sup>, approved 5-0. Agent Lou Yorio and Lynn Persan approached the board on behalf of Andres Rubio requesting a variance for dormers on the front and back of a garage to be constructed on the footprint of the existing garage. Joe DePaul stated that he would like to see the garage moved back for safety concerns and attached to the house. A lengthy discussion ensued about the placement of the garage, neighbor's views and other possible placement for the garage. Lynn Persan stated that the garage would be constructed on the existing footprint with the only change being the addition of the dormers to the roofline. The dimensions of the dormers were discussed. The applicant stated that no views would be impacted. 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 was not happy with the placement of the garage and thought it would be better placed further back and attached to the house. The board discussed the change of the roof line and that the proposal would be the same elevation above sea level, with the existing height staying the same. Joe DePaul made a motion to grant a Front Setback to 6.2' and a Side Setback to 7.6', for the purpose of reconstructing a garage on the same footprint as the existing garage with a change in the roofline to contain a dormer in the front and back; the hardship being the size and slope of the lot and the closeness of the garage to the road, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 38-17:** Adao, 4 Roseton Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 32', 3.2.11, 7.1.1.1A,B&C and 7.2.3A&B for the purpose of constructing a garage in the existing space below the family room and deck. Zoning District: R-44; Map: 37; Block: 15; Lot: 6.

Ann Brown made a motion to hear Application # 38-17, duly 2<sup>nd</sup>, approved 5-0. Applicant Charlene Adao and Architect John McGuirk approached the board. Mr. McGuirk gave a brief overview of the corner lot with two fronts on Roseton Road and Peirri Hill Drive. The house is preexisting nonconforming. The property slopes down to the back of the house with a full height drop. The dining room and deck currently sit on steel posts with the area underneath it open. The applicant proposes to enclose the area under the dining room and deck. There is no increase in nonconformity. The addition will be constructed on a foundation with a waterproofed deck over the garage. Joe DePaul asked the public for comment. None given. Patrick Hearty made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board saw no problems with the application. Joe DePaul made a motion to grant a Front Setback to 32' to allow construction of a garage and a waterproofed deck per the plans as submitted; the hardship being the fact that the property has two fronts and the narrow shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 39-17:** Schneider, 34 Ilion Road, for variances to Zoning Regulations 3.2.5B, 3.2.6B Side Setback to 7'6', 3.2.6C Rear Setback to 36', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of changing the roofline of an existing structure. Zoning District: R-44; Map: 35, Block: 11; Lot: 2,3 & 4.

John McCartney made a motion to hear Application # 39-17, duly 2<sup>nd</sup>, approved 5-0. Applicant Susan Schneider approached the board requesting a variance to change the roof line from an A-line apron front to a straight-line apron front. The A-line apron front roof did not allow room for a large enough egress window. The straight apron front will allow room for an egress window on the second floor. Patrick Hearty made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a Front Setback to 7', a Side Setback to 7.6' and a Rear Setback to 36' for the purpose of reconstructing a roofline per the plans as submitted; the hardship being the irregular size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, the 2018 ZBA Calendar was presented and discussed. Vinny Mancuso made a motion to adopt the 2018 Calendar, duly 2<sup>nd</sup>, approved 4-0-1, Patrick Hearty abstaining.

Vinny Mancuso made a motion to adjourn at 8:26 p.m., duly 2<sup>nd</sup>, approved 5-0.