

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

**MEETING MINUTES  
December 14, 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, December 14, 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; Dan McDermott and Alternate Ann Brown.

ZBA members absent: John Apple, Vice Chairman and John McCartney.

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. Joe DePaul made a motion to amend the agenda to include the discussion of voting for officers of the board, duly 2<sup>nd</sup>, approved 4-0. 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', 3.1.6B Side Setback to 30.1', 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

Vinny Mancuso made a motion to hear Continued Application # 33-17, duly 2<sup>nd</sup>, approved 4-0. David Meyers returned to the board and gave a brief overview of the application for the new board member. The application was continued due to an advertising issue. The board commented that the applicant had taken into account the suggestions that they had made. Ann Brown made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 4-0. Vinny Mancuso saw no problems with the application and Joe DePaul stated that the applicant had done a great job in revising their plans. Joe DePaul made a motion to grant a side setback to 30.1' to allow construction of an attached 3-car garage per the plans as submitted, noting that there is no increase in nonconformity; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 4-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the Minutes as written, duly 2<sup>nd</sup>, approved 3-0-1, Dan McDermott abstaining.

**Application # 40-17:** Olliver, 51 Lake Drive South, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 5.8', 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.1A,B&C for the purpose of

demolishing an existing house, reconstructing a single family house and enlarging the garage from a 2-car to a 3-car garage. Zoning District: R-44; Map: 20; Block: 5; Lot: 24.

Ann Brown made a motion to hear Application # 40-17, duly 2<sup>nd</sup>, approved 4-0. Construction Manager, John Araujo, approached the board. No authorization from the owner was provided, therefore; the application would have to be continued until authorization was granted. Mr. Araujo asked if the board could offer advice on the three areas which would require variances. Mr. Araujo stated that the size and steep slope of the property, along with their vested interest in preserving existing vegetation including three large oak trees, made the placement of the house difficult because of the small building envelope. Mr. Araujo gave a brief overview of the application. The existing 2300 square foot house would be demolished and an approximate 4000 square foot new house would be constructed. The original footprint would not be used. Joe DePaul stated that the garage was extremely close to the road. Mr. Araujo concurred and stated that the existing house is currently over the 440 line and placement of the new structure was difficult because of the extreme slope and vegetation. Joe DePaul stated that with the position of the house being down on the slope, the new construction would not impact any neighbor's view. The board suggested that the applicant move the structure at least 6' from the 440 line and the garage another 2' from the road. Mr. Araujo said that he would take the board's suggestions into consideration and return next month. Vinny Mancuso made a motion to continue Application # 40-17, duly 2<sup>nd</sup>, approved 4-0.

**Application # 41-17:** Wolf, 42 Bogus Hill Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 11', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a new 15'x15' deck and connecting it to an existing deck. Zoning District: R-44; Map: 11; Block: 2; Lot: 4.1.

Vinny Mancuso made a motion to hear Application # 41-17, duly 2<sup>nd</sup>, approved 4-0. Applicants Michael and Samantha Wolf approached the board with a proposal to construct a deck extension to an existing deck. The applicant did not have an A2 Survey but had a B1 survey. The board requires an A2 survey to accurately grant the exact dimensions required. Joe DePaul suggested that the applicants get an A2 survey for their own protection and stated that the deck should not extend into the setback any further than the existing house. A brief discussion ensued about the survey and reasons why it is important to have accurate measurements. The applicants agreed to a continuance to obtain an A2 survey and to continue to next month's agenda. Vinny Mancuso made a motion to continue Application # 41-17, duly 2<sup>nd</sup>, approved 4-0.

**Application # 42-17:** Mejean, 110 Lake Drive South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 35', 3.2.6C Rear Setback to 42.8', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a 19'4"x12' screened-in porch with 1' overhangs on the north and south eaves of an existing patio roof. Zoning District: R-44; Map: 20; Block: 7; Lot: 7.

Ann Brown made a motion to hear Application # 42-17, duly 2<sup>nd</sup>, approved 4-0. Stacey Keaney, agent for applicant, approached the board. A typo was made in the advertisement that did not bear any weight on the variance for the application. Ms. Keaney stated that the house currently

has an upper roof deck. The applicant would like to enclose most, although not all of the deck. The overhangs are included in the current setbacks. The height of the proposed enclosure roof would be no higher than what is currently there. The roof would be a pitched roof, meeting in the center. The setbacks were discussed. The front setback would be 35.7' and the rear setback would be 42.8'. 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 4-0. Joe DePaul made a motion to grant a front setback to 35.7' and a rear setback to 42.8' to allow construction of a screened-in porch per the plans as submitted, noting that there was no increase in nonconformity; the hardship being the size and narrowness of the lot, duly 2<sup>nd</sup>, approved 4-0. Variance granted.

**Appeal # 02-17:** 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 an email from Attorney Dennis McDonough requesting a continuance due to health matters until the January 2018 meeting. The application was unopened.

Vinny Mancuso made a motion to discuss voting for board officer positions, duly 2<sup>nd</sup>, approved 4-0. Joe DePaul made a motion to postpone the vote until next month when more members of the board were likely to be present, duly 2<sup>nd</sup>, approved 4-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:03 p.m., duly 2<sup>nd</sup>, approved 4-0.