

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

**MINUTES
March 14, 2016**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Monday, March 14, 2016 in the Company A Firehouse located at 302 Ball Pond Road, New Fairfield. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; Debbie Bing-Zaremba, Vinny Mancuso and Alternates Ann Brown and Peter Hearty.

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

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:01 p.m. and introduced the Board Members. Joe DePaul explained the meeting process and voting and appeal procedures. Joe DePaul gave the definition of a recusal.

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.

Application # 06-16: Jesser, 18 Fair Lane, for variances to zoning regulations 3.2.5A&B, 3.2.6B Side Setback to 6.3', 3.2.6C Rear Setback to 41.2', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a second story addition on the current footprint. Zoning District: R-44; Map: 44; Block: 6, Lot: 14 & 22.

Ann Brown made a motion to hear Application # 06-16, duly 2nd, approved 5-0. Andrew Jesser, son of owner Robert Jesser, approached the board on his father's behalf. Mr. Jesser gave a brief history of the property. The property consists of a double lot, including a 2' strip of land between the two lots which was purchased by the applicant from Candlewood Hills separately. The applicant was under the assumption that there would be no problem in putting in a septic on the double lots. The applicant is asking for a variance for the rear setback from one corner of the lot to one corner of the house which is preexisting nonconforming. The proposed vertical construction was discussed. Joe DePaul questioned why the vacant rear lot could not be built on. Mr. Jesser stated that the position of the neighbors existing well radius would not permit any construction in that area. The neighbor's septic position was discussed. Joe DePaul asked about building a new house on the back of the lot. Mr. Jesser stated that it was his father's wish to build on the existing home. Debbie Bing-Zaremba questioned the position of the overhang. Mr. Jesser stated that the proposed construction would stay within the current footprint. Vinny Mancuso asked what the height of the second story would be. Mr. Jesser replied that it would be 27' and would be a nice fit with

the existing houses in the neighborhood. The position of the front and side doors were discussed. Joe DePaul questioned the side bump out which is in close proximity to the adjacent property and whether that would remain. A lengthy discussion ensued about the shed, shown as a dilapidated garage, and whether or not it should be kept and renovated or torn down. Mr. Jesser stated that his father would like to keep the shed for storage and that it would be updated. Joe DePaul questioned what the variance would be without the bump out. Mr. Jesser produced original plans that showed the original side setback to be 11'. Mr. Jesser agreed to eliminate the bumpout as a condition of the variance. The rear setback requested was 41.2'. Joe DePaul asked the public for comment. None given. Ann Brown made a motion to enter into the Business Session, duly 2nd, approved 5-0. In the Business Session, the board discussed getting rid of the bump out which would decrease nonconformity from 6.3' to 12'. Joe DePaul made a motion to grant a variance to add a second story on a one story dwelling, eliminating the bump out, with a side setback to 12' and a rear setback to 41.2', noting the decrease in nonconformity, the hardship being the narrowness of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to approve the minutes as read, duly 2nd, approved 4-0-1; Peter Hearty abstaining.

Continued Application # 01-16: Abric, 7 Lamont Road, for variances to zoning regulations 3.2.5A,B&C, 3.2.6A Front Setback to 27.2', 3.2.6.B Side Setbacks to 15.2', 3.2.6C Rear Setback to 45', and 3.2.11 for the purpose of constructing a house on a previously approved lot. Zoning District: R-44; Map: 36; Block: 10; Lot: 16.

Debbie Bing-Zaremba made a motion to hear Continued Application # 01-16, duly 2nd, approved 5-0. No one was present for the application and Debbie Bing-Zaremba made a motion to move Continued Application # 01-16 to the end of the agenda, duly 2nd, approved 5-0.

Continued Application # 03-16: Opdahl, 47 Candle Hill Road, for variances to zoning regulations 3.2.5A, 3.2.6B Side Setback to 6.6', 3.2.6C Rear Setback to 19.7', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing an addition to the dwelling with a 12'x24' encroachment on the northern border. Zoning District: R-44; Map: 6; Block: 3; Lot: 7.

Peter Hearty made a motion to hear Continued Application # 03-16, duly 2nd, approved 5-0. Matthew and Sarah Opdahl returned to the board with revised plans and A2 survey as requested at the previous meeting. The revised plans would keep the current side setback of 18.5'. The proposed rear setback would be 19.7' and include a second and third story with a total height of 32.6'. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. While in the Business Session, the board discussed how the applicants revised their plans as requested and noted the decrease in nonconformity. Joe DePaul made a motion to grant a side setback to 18.5' and a rear setback to 19.7' for the purpose of constructing a second and third story vertical expansion of the existing house, the hardship being the steepness of the lot, duly 2nd, approved 5-0. Variance granted.

Continued Application # 04-16: Anderson & Martinez, 129 Route 37, for variances to zoning regulations 3.1.5A, 3.1.6A Front Setback to 43', 3.1.6B Side Setbacks to 35' and 28', 7.1.1A&B and 7.2.3A&B for the purpose of removing an existing porch and building a 372 sq. ft. deck. Zoning District: R-88; Map: 13; Block: 4; Lot: 9.

Peter Hearty made a motion to hear Continued Application # 04-16, duly 2nd, approved 5-0. Maurice Katz, agent, returned to the board with a new drawing and plans showing the previous deck. Mr. Katz produced a drawing showing a 35' line to show the relationship to the setback line. A2 surveys were discussed. The ZEO requested Joe DePaul to waive the A2 drawing for the applicant. A lengthy discussion ensued about the setbacks on the property. Joe DePaul produced photos of the existing porch which would not increase nonconformity because it was preexisting structure more than 2' off the ground. Dimensions of the porch were discussed. Mr. Katz stated that the proposed plans would come out a couple of more feet with one corner having a 2' encroachment. Joe DePaul stated that there was not a great increase of nonconformity. Joe DePaul asked the public for comment. None given. Peter Hearty made a motion to enter into the Business Session, duly 2nd, approved 5-0. In the Business Session, the board discussed that increase in nonconformity was diminimus. Joe DePaul made a motion to grant a side setback to 31' for the purpose of constructing a deck, walkway and stairs per the plans as submitted; the hardship being the irregular size and steepness of the lot, duly 2nd, approved 5-0. Variance granted.

Continued Application # 05-16: Cicerone, 100 Gillotti Road, for variances to zoning regulations 3.0.5A&B Private permanent detached garage for the purpose of constructing a 32'x46'x30' garage with storage above. Zoning District: R-88; Map: 23; Block: 16; Lot: 93.

Debbie Bing-Zaremba made a motion to hear Continued Application # 05-16, duly 2nd, approved 5-0. Richard Cicerone approached the board and withdrew his application.

Application # 07-16: Reilly, 59 Lake Drive South, for variances to zoning regulations 3.2.5A&B, 3.2.6A Front Setback to 40.4', 3.2.6C Rear Setback to 33', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of demolishing an existing non-conforming single family house and constructing a new single family house. Zoning District: R-44; Map: 20; Block: 8; Lot: 6.

Peter Hearty made a motion to hear Application # 07-16, duly 2nd, approved 5-0. Peter Coffin, agent for Craig and Ellen Reilly, approached the board with Dainius Virbickas. Mr. Coffin explained to the board that the existing lot was nonconforming in area and lot width. The current house is nonconforming with side and rear setbacks. The proposed new house would bring much more of the house into compliance with the zoning regulations. The applicant is not requesting a front or side yard setback. The current deck is 32' from the property line. The proposed plans would request a 33' rear setback. The new home would conform to impervious surfaces storm water management plans. Mr. Virbickas explained to the board that the new home would contain roof runoff drainage into the patio area. Mr.

Coffin explained that the proposed construction would include the complete teardown of the existing house and the lowering of the floor elevations. The proposed house would not be higher in elevation and the footprint would be reconfigured to include a bigger garage and more area on the first floor. The current square footage would increase from 6500 to 7875. The applicant is gaining area by lowering the floor elevations. The floor heights were discussed. It was stated that no neighbors' views would be impacted. The position of the deck was discussed. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. While in the Business Session the board discussed the decrease in nonconformity and the right of the owner to increase the size of their home. Joe DePaul made a motion to grant a rear setback to 33' to allow the demolition and construction of the single family house per the plans as submitted, noting the new house would be more conforming with current zoning regulations and eliminate side setbacks, the hardship being the narrow size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 08-16: Ashley, 55 Lavelle Avenue, for variances to zoning regulations 3.2.5A&B, 3.2.6A Front Setback to 21.8', 3.2.5B Side Setbacks to 14.5' and 5.2', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of adding 1'6" to the rear of deck and adding 4' to the roof line on a previously approved variance. Zoning District: R-44; Map: 2; Block: 7; Lot: 28.

Peter Hearty made a motion to hear Application # 08-16, duly 2nd, approved 5-0. Diane Ashley and agent, Pat Reilly, approached the board. A brief history of the application and previous variance was discussed, including the removal of the cedar tree. Mr. Reilly explained to the board that the roof line has been modified to include a peak to improve their neighbor's view. The applicant would not be increasing the footprint on the house. The applicant is only requesting another 1.5' for the angle of the deck. The front setback would be 21.8' and no rear setback is needed. The lot is preexisting nonconforming. The applicant had to return to the board because of the change of the roof line. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. The board discussed that there was no increase in nonconformity and that the change would improve the neighbor's view. Joe DePaul made a motion to grant a front setback to 21.8', side setbacks to 14.5' and 5.2' for the purpose of expanding the deck and house and changing the roof line as per the plans as submitted, noting that the cedar tree be removed completely, the hardship being the small size and steepness of the lot, duly 2nd, approved 5-0. Variance approved.

Application # 09-16: Donovan, 64 Gillotti Road, for variances to zoning regulations 3.0.5A,B&C Private Permanent Detached Garage, 3.1.5A&B Minimum Lot Area and Frontage; 3.1.11, 7.1 Nonconforming Lot and 7.2.3A&B for the purpose of increasing the roof height by 4', increasing the size of the garage, and changing the roof pitch on a previously approved variance. Zoning District: R-88; Map: 23; Block: 16; Lot: 8.

Peter Hearty made a motion to hear Application # 09-16, duly 2nd, approved 5-0. John Donovan returned to the board. A brief history of the application was discussed. Mr. Donovan was granted a previous variance in August 2015 of an 896 sq. foot garage with a

height of 22'. Mr. Donovan explained that during construction of the garage, he discovered that the pre-engineered trusses needed would require an additional 4' in height. A lengthy discussion ensued about type of trusses and measurements of the second floor of the garage. Mr. Donovan explained that he made an error on his drawings and did not take into consideration snow load and other factors. Joe DePaul said that he had a hard time granting a variance with no apparent hardship. The roof height and different plans were discussed. Construction methods using trusses, lolly columns and footings for the garage were discussed. Mr. Donovan stated that the foundation was already poured and would have to be ripped up to place footings for the columns if the roof line was not changed. Joe DePaul and the board questioned whether this application was a financial issue. Joe DePaul stated that the board needed to think about this request and suggested the application be continued to the next month. Vinny Mancuso made a motion to continue Application # 09-16, duly 2nd, approved 5-0.

Debbie Bing-Zaremba made a motion to bring back Continued Application # 01-16, duly 2nd, approved 5-0. No one was present for the application. Ann Brown made a motion to continue Application # 01-16 until next month, duly 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:39 p.m., duly 2nd, approved 5-0.