

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

**MINUTES
May 19, 2016**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, May 19, 2016 in the Community Room of the New Fairfield Public Library located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman, Debbie Bing-Zaremba, Patrick Hearty and Alternate Ann Brown.

ZBA members absent: John Apple, Vice Chairman and Vinny Mancuso.

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. Patrick Hearty made a motion to adopt the agenda, duly 2nd, approved 4-0. Secretary Joanne Brown read the Call of the Meeting.

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 4-0. Jeanne Abric approached the board with notes from agent, Ralph Gallagher, who could not be present at the meeting. Ms. Abric told the board that Mr. Gallagher made the board's suggested revisions to the plans but she did not have the plans with her at the meeting. Joe DePaul explained that the board needs the revised plans submitted in order to vote because variances are granted per the plans as submitted. Ms. Abric asked for a brief break to see if she could contact Mr. Gallagher. The board agreed. Patrick Hearty made a motion to revisit Continued Application # 01-16 after Ms. Abric gathered the information she needed, duly 2nd, approved 4-0.

Continued 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.

Patrick Hearty made a motion to hear Continued Application # 09-16, duly 2nd, approved 4-0. John Donovan approached the board. Joe DePaul gave a brief history of the application and previous variance granted. Mr. Donovan had originally asked for an increase in height but he decided to not pursue the height variance. Mr. Donovan stated that he is asking for a small deviation on the footprint to 28' x 32'6" because they encountered existing ledge while putting in the foundation and needed the extra six inches. The construction would stay within the height restriction. Joe DePaul asked the public for comment. None given. Ann Brown made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul asked the board if anyone had any objection. The board had none. Joe DePaul made a motion to grant a variance to construct a 28' x 32'6" garage per the plans as submitted and modified, the hardship being the ledge and shape of the property noting that the six inches does not increase nonconformity, duly 2nd, approved 4-0. Variance granted.

Application # 10-16: Knox, 9 Lakeshore North, for variances to zoning regulations 3.2.5A&B, 3.2.6A Front Setback to 35.8', 3.2.6B Side Setbacks to 10' and 7.7', 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a vertical expansion of the first floor great room. Zoning District: R-44; Map: 40; Block: 6; Lot: 6&7.

Joe DePaul read an email from Kathleen Knox into the file withdrawing Application # 10-16.

Application # 11-16: Hillman, 2 Elmwood Road, for variances to zoning regulation 1.5.11 Fences for the purpose of erecting an 8'x28' privacy fence. Zoning District: R-44; Map: 35; Block: 11; Lot: 1.

Patrick Hearty made a motion to hear Application # 11-16, duly 2nd, approved 4-0. Henri Hillmann and his wife approached the board. Mr. Hillmann gave a brief overview of the property and the neighboring house which has been vacant for almost 3 years. The 6' fence on the neighboring house is rotting and is in disrepair. The fence sits on top of a 4' stone wall, approaching almost 10' from ground level. A lengthy discussion ensued about the hedges and fence posts that Mr. Hillmann put in 16 years ago. Mr. Hillmann produced photos of the current fence and proposed fence. Joe DePaul stated that it is the duty of the board to also protect the property values of the neighbor's property. The proposed fence would block the view and light from the neighbor's window. Mr. Hillman described the fence. Debbie Bing-Zaremba questioned if the top of the fence was solid. Ann Brown asked if the neighboring house was occupied. Mr. Hillmann answered that it had been foreclosed and empty for almost 3 years. Joe DePaul remarked that the regulations state that the better side of the fence must face the neighbor's side. Joe DePaul asked the public for comment. None given. Patrick Hearty made a motion to enter into the Business Session, duly 2nd, approved 4-0. The board discussed that new owners of the neighboring house would know what they were getting into once the new fence was erected. Joe DePaul made a motion to grant a variance to construct an 8'x28' fence per the plans as submitted, the hardship being the irregular size and shape of both lots and the immediacy of the house next door, duly 2nd, approved 4-0. Variance granted.

While in the Business Session, Debbie Bing-Zaremba made a motion to grant the minutes as written, duly 2nd, approved 3-0-1, Patrick Hearty abstaining.

Continued Application # 01-16 Jeanne Abric decided to withdraw the application and have her agent resubmit next month.

Application # 12-16: Clear, 140 Lake Drive South, for variances to zoning regulations 3.2.5A, 3.2.6A Front Setback to 24.6', 3.2.6B Side Setback to 0', 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of rebuilding the house and constructing a second story addition. Zoning District: R-44; Map: 25, Block: 1, Lot: 34 & 35.

Patrick Hearty made a motion to hear Application # 12-16, duly 2nd, approved 4-0. Stacey Keaney of Keaney & Company approached the board. Joe DePaul questioned the current construction on the property. Ms. Keaney explained that the property has an approved variance. The applicant has had several meetings with First Light and revised the construction per First Light's requests. Ms. Keaney is requesting an additional 3' vertical expansion. The applicant is not requesting a variance within the 440 line. Ms. Keaney produced plans to show the proposed construction. The total height from average grade to the top would be 30'5" with no change in the footprint. First Light's requested changes were discussed. Joe DePaul asked the public for comment. There was no one in the audience. Stacey Keaney noted that the architecture is in keeping with the neighborhood and that they are only asking for an additional 3' from the original approval. Patrick Hearty made a motion to enter into the Business Session, duly 2nd, approved 4-0. The board discussed that it was a straight vertical expansion with nothing below the 440 line. Joe DePaul made a motion to grant a variance with a front setback to 24.6' per the plans as submitted, noting that there is no increase in nonconformity, the hardship being the location of the house in relation to the 440 line, duly 2nd, approved 4-0. Variance granted.

Debbie Bing-Zaremba made a motion to adjourn the meeting at 7:57 p.m., duly 2nd, approved 4-0.