

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

**MINUTES  
June 16, 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, June 16, 2016 in the Conference Room at Town Hall located at 4 Brush Hill Road. Secretary Joanne Brown took the Minutes.

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

ZBA members absent: Vinny Mancuso.

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:05 p.m. and introduced the Board Members. Joe DePaul stated that the meeting was advertised to be held at the library but due to unforeseen circumstances had to be moved to the Town Hall conference room. Signs notifying the public of the new location of the meeting were posted on the front and back doors of the library. 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. John Apple made a motion to adopt the agenda, noting the change in venue, duly 2<sup>nd</sup>, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

**Application # 13-16:** Vanderheyden, 49 Knollcrest Road, for variances to Zoning Regulations, 3.2.5A&B, 3.2.6B Side Setback to 10', 3.2.6C Rear Setback to 33.5', 3.2.11, 7.1.1.1A,B&C, and 7.2.3A,B,&E for the purpose of demolishing an existing house and constructing a new single family house. Zoning District: R-44; Map: 10; Block: 3; Lot: 86.4

Ann Brown made a motion to hear Application # 13-16, duly 2<sup>nd</sup>, approved 5-0. Deborah Vanderheyden and her agent, Jeremy Oskandy from Arthur Howland Associates approached the board. Mr. Oskandy gave an overview of the existing structures on the property and discussed an easement for pedestrian traffic which sits 10' into the property line. The ZEO interpreted the setback as measured from the easement line and not the property line. The applicant interpreted and designed the setbacks from the property line and not the easement. The differing interpretation of the regulations was discussed. Mr. Oskandy provided the board with historical maps showing the property lines from 1960 and how the lines show a preexisting nonconforming condition. Mr. Oskandy discussed the current proposal. Joe DePaul questioned who owned the area between the property line and the 440 line. The applicant stated that they are proposing to add flower beds and other plantings to meet First

Light's buffer requirements. Joe DePaul questioned if the applicant had spoken to First Light, stating that First Light's has taken a tougher stance on construction over the 440 line. The applicant stated that they are in discussions with First Light to gain consent. The dimensions of the deck were discussed. The new deck will be moved back to decrease nonconformity. Joe DePaul asked why the applicant cannot leave the north side setback as it is. Deborah Vanderheyden replied that they are not encroaching on the side yard, just asking for 10' setback due to the access way. The placement of the septic system, pervious pavers and the placement of the garage was discussed. Ms. Vanderheyden explained that there were previous problems with the septic system. The applicant is proposing a pump up septic system which has already received approval from the Health Department. The applicant stated that it is their intent to improve the septic and storm water management to be environmentally sensitive to the lake. The dimensions of the existing home and proposed home were discussed, noting the decrease in nonconformity. The interpretation of the setback regulations from the easement was discussed again. Debbie Bing-Zaremba suggested the application be continued to confirm the ZEO's interpretation from measuring from the easement line. John Apple stated that he would also like to get further clarification on the regulation in contention. The square footage of the existing house (1575 sq. ft.) and proposed house (2030 sq. ft.) was discussed. Joe DePaul commented that this construction would increase the square footage by 33%. Joe DePaul stated that the applicant is eliminating some nonconformity but would like to look at the property in person and also get clarification on the zoning regulation in contention. Joe DePaul asked the public for comment. None given. Debbie Bing-Zaremba made a motion to continue Application #13-16 to the next meeting, July 2<sup>nd</sup>, approved 5-0.

**Application # 14-16:** Vasquez, 35 Ilion Road, for variances to Zoning Regulations, 3.2.5A&B, 3.2.6B Side Setback to 9', 3.2.11, 7.1.1.1A,B&C, 7.2.3A&B for the purpose of adding an attached one-car garage. Zoning District: R-44; Map: 35; Block: 10; Lot: 9 & 10, 16-19.

Debbie Bing-Zaremba made a motion to hear Application # 14-16, July 2<sup>nd</sup>, approved 5-0. Attorney Don Chieffalo approached the board representing Mr. Vasquez. Mr. Chieffalo stated that applicant is seeking a side variance to 9'; the hardship being that the lot is oddly configured and hard to work with. The lot is approximately ¾ acre. The applicant currently has an existing two car garage. Mr. Chieffalo provided photos of the current garage and stated that it is very narrow and there is no storage for a lawn mower. Mr. Chieffalo stated that it was difficult to find another area for the garage on the property taking both wetlands and the position of the neighbors into consideration. Patrick Hearty questioned why the garage could not be placed behind the house. Joe DePaul stated that this was the second request for an additional garage and that the applicant was denied before because there was no hardship. Ann Brown commented on the shape of the garage, noting the strange configuration. Joe DePaul stated that a 12'x28' garage was requested previously and now the applicant is asking for a 12'x33' garage. Mr. DePaul noted that the applicant already has a two car garage and that there is no hardship. Joe DePaul asked for comments from the public. None given. Mr. Chieffalo commented that the lot is preexisting nonconforming, with most houses in the neighborhood having setbacks of 9' or less. John Apple made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. While in the Business Session, the

board discussed the lack of hardship. Joe DePaul made a motion to grant a variance per the plans as submitted to construct a one-car garage with a side setback to 9' and a rear setback to 33', the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, opposed 0-5. Variance denied.

While in the Business Session, Patrick Hearty made a motion to adopt the minutes as read, duly 2<sup>nd</sup>, 4-0-1, John Apple abstaining.

**Application # 15-16:** Forster, 6 Cecelia Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 5', 3.2.6C Rear Setback to 15', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of adding a second floor and building an open deck on the first floor. Zoning District: R-44; Map: 10; Block: 8; Lot: 13.

Debbie Bing-Zaremba made a motion to hear Application #15-16, duly 2<sup>nd</sup>, approved 5-0. Rick Salem, Contractor, and applicant, Frank Forster, approached the board. Mr. Salem stated that the applicant is proposing to add a second story, with a small addition on the north side and an open deck facing the water. There is an existing cement patio. The deck would be 15' from the 440 line. Joe DePaul showed photos of the existing home. The property size and shape was discussed. Mr. Forster discussed the placement of the septic. A discussion ensued about the previous variance granted to Mr. Forster on another property. The board discussed the placement of the deck and the possibility of building a roof-top deck. Rick Salem asked if there was any flexibility. The applicant discussed bifurcating the application to get approval for the vertical expansion. The board discussed moving the house back and not increasing nonconformity. The setbacks for the vertical expansion were discussed. It was agreed that a 24' rear setback was needed for the vertical expansion. Joe DePaul asked the public for comment. None given. John Apple 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 rear setback to 24' and a side setback to 5' for purpose of a 2<sup>nd</sup> floor vertical expansion and bump out per the plans as submitted noting that there is no increase in nonconformity and the deck is not part of the proposal; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 16-16:** Nelson, 22 Cornell Road, for variances to Zoning Regulations 3.1.6B Side Setback to 23' for the purpose of constructing a new deck in the front and rear of house. Zoning District: R-88; Map: 17; Block: 3; Lot: 1.51.

Debbie Bing-Zaremba made a motion to hear Application # 16-16, duly 2<sup>nd</sup>, approved 5-0. Sean and Heather Nelson approached the board. Mr. Nelson explained how his house is preexisting nonconforming and that the proposed deck would extend to the edge of the house. Joe DePaul questioned the width of the deck and setbacks required. Mr. Nelson stated that the deck would be approximately 10' wide and flush with the house. The front deck's position was discussed and the question of whether a variance was needed for the front deck. The dimensions of the front and rear deck were discussed. The rear deck would be 15.6'x21' and the front deck would be 11.10'x18'. Joe DePaul asked the public for comment. None given. Ann Brown 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 variance to construct a 15.6'x21'

rear deck and an 11.10'x18' front deck with a side setback to 23.1', noting that both decks are 100 feet from the road and that there is no increase in nonconformity; the hardship being the irregular size and shape of the lot, July 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 17-16:** Bonney, 56 Wood Creek Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 9', 3.2.6B Side Setbacks to 21.3' (south) and 55.3' (north), 3.2.6C Rear Setback to 19.1', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a new single family house. Zoning District: R-44; Map: 25; Block: 11; Lot: 4.

Patrick Hearty made a motion to hear Application # 17-16, July 2<sup>nd</sup>, approved 5-0. Applicant David Bonney and agent, Dainius Virbickas of Artel Engineering approached the board. Mr. Bonney presented a signed notification from the other owners of the property noting acknowledgement of the proceedings to be entered into the file. Mr. Virbickas gave a brief overview of the property and position on the road and neighboring homes. The applicant is proposing to construct a new home pushed back approximately 9' from the roadway. The square footage of the existing home (842 sq. ft.) and proposed construction (1200 sq. ft.) was discussed. Mr. Virbickas discussed the placement of the well, septic and slopes on the property and how the placement of the house was decided upon. The placement of the neighbor's homes and the impact on their views were discussed. The proposed house would be two stories but with the elevation would not impact neighbor's views. Joe DePaul showed photos of the existing home which was built in the 1930s. Mr. Bonney gave a brief history of the property. The wrap around covered porch was discussed. Joe DePaul questioned why the garage was not next to the house. The moving of the house closer to the garage was discussed. It was determined that the setbacks needed to be adjusted and the application re-advertised. Joe DePaul questioned how far off the ground the deck would be. The applicant answered approximately 8 feet. The garage was discussed. The proposed garage would be a two-car, one story garage. The height of the proposed roof was determined to be 32'. The proposed house would not have a finished basement. It was suggested that the application be continued to next month to advertise the revised setbacks. Joe DePaul asked the public for comment. None given. Patrick Hearty made a motion to continue Application # 17-16 to next month, July 2<sup>nd</sup>, approved 5-0.

Patrick Hearty made a motion to adjourn the meeting at 9:02 p.m., July 2<sup>nd</sup>, approved 5-0.