

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

**MINUTES
October 20, 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, October 20, 2016 in the Community Room of the New Fairfield Library, located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; Patrick Hearty; Vinny Mancuso and John McCartney.

ZBA members absent: John Apple, Vice Chairman and Alternate Ann Brown

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:01 p.m. and introduced the Board Members and welcomed John McCartney to the board. 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. Joe DePaul made a motion to add the 2017 calendar to the agenda, duly 2nd, approved 4-0. Vinny Mancuso made a motion to adopt the agenda, duly 2nd, approved 4-0. Secretary Joanne Brown read the Call of the Meeting.

Continued Application # 23-16: Alesi, 263 Ball Pond Road, for variances to Zoning Regulations 3.1.5A, 3.1.1.1, 7.1.1.2 Improved Lots not in Validated or Approved Subdivision and 7.2.3A,B&E for the purpose of building a 34'x52' attached three car garage. Zoning District: R-88; Map: 23; Block: 20; Lot: 15.

Patrick Hearty made a motion to hear Continued Application # 23-16, duly 2nd, approved 4-0. Applicant Tom Alesi III and Attorney Ray Lubus approached the board with an amended proposal for a 32' x 40' three bay garage with updated drawings. Ray Lubus showed the board several photos of the position of the house on the road. The new proposal meets all the setback requirements. The variance is needed because the lot is undersized (.7 acres), sloping in back with ledge and is corner lot thus having two fronts. The board's previous concerns were the overall size of the garage. The new proposal is now a smaller, more reasonable size 3 car garage. Joe DePaul questioned what natural screening would be used. A discussion ensued about the placement of 4' high arborvitae placed 3' apart from the woods to the street ending 10' past the garage. The dimensions of the garage with the gutters were discussed. Mr. Alesi confirmed that the existing garage doors would be removed and replaced with windows that would match the existing house. Ray Lubus stated that he was the abutting neighbor and had no objections. The public was asked for comments. None

were given. Ray Lubus reiterated that the hardship was that the lot has two fronts, is undersized and has ledge in the back. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 4-0. While in the Business Session, the board discussed that the applicant revised the plans and addressed the size as requested. Joe DePaul made a motion to grant a variance to build a three car garage 40' x 32' with an additional 1' for gutters, making the actual size 41' x 34' with gutters, with the contingency that 4' arborvitae be planted every 3' on the property line from the woods to 10' past the garage toward the road (Route 39 to the west). An additional stipulation is that the existing garage doors be removed and replaced with windows matching those of the existing house, duly 2nd, approved 4-0. Variance approved.

While in the Business session, Vinny Mancuso made a motion to adopt the minutes as read, duly 2nd, approved 3-0-1, John McCartney abstaining.

Continued Application # 26-16: Berrie, 3 Candlewood Road, for variances to Zoning Regulations 3.25A, 3.2.6A Front Setback to 20', 3.2.6C Rear Setback to 35', 3.2.7 Maximum Building Area, 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of adding a bay window, a covered walkway and altering the roofline. Zoning District: R-44; Map: 39; Block: 1; Lot: 2.2-14.

Vinny Mancuso made a motion to hear Application # 26-16, duly 2nd, approved 4-0. Stanley Berrie, applicant, and legal counsel, Anthony Yorio, approached the board. Mr. Yorio gave the board an overview of the hardship of the property. The lot has a narrow buildable envelope, steep drops and sharp ledge. The proposal would demolish the front porch over the front yard, elevate the structure and remove the screened porch to put in a covered bridge in the front and to alter the roof line with a change in pitch. A bay window would be added facing the lake. The 440 line and the topography were discussed. Mr. Yorio stated that 2' of existing non conformity would be reduced. Joe DePaul asked if the applicant had a drawing of the existing structure with the new structure over it to see where the changes would be made. The proposed setbacks would go from 18' to 20' which is conforming. A lengthy discussion ensued about the covered bridge to the house and the increase/decrease in nonconformity. The board discussed the steep drop and coverage for safety reasons. Joe DePaul questioned the existing setback (30') to the proposed setback with the bridge (20'), noting the increase in non-conformity. Stanley Berrie commented that the architect suggested the cover for the entire bridge for safety because of the topography. Camille Sage, 6 Candlewood Road, wrote a letter which was read into the record noting that she had no objections to the proposed application. The applicant and Ms. Sage discussed removal of several trees and vegetation to improve and widen her view. The public was asked for comments. Nicholas Nunnally, 8 Candlewood Road, voiced his objections in that he did not know how exactly the proposed vertical expansion would impact his views. Joe DePaul reiterated the board's position on protecting homeowner's property values. Joe DePaul also clarified that the applicant must go before the board to make any changes on a nonconforming property. The vertical expansion was discussed. It was agreed that the applicant would provide existing plans with proposed plans over them to see the roof line. The applicant agreed to continue the application until next month to address the neighbor's

questions and concerns. Vinny Mancuso made a motion to continue Application # 26-16, duly 2nd, approved 4-0

Application # 27-16: Lynch, 5 Whipstick Road, for variances to Zoning Regulations 3.0.9(C) Pergolas for the purpose of constructing a 14' X 18' pergola which exceeds the permitted size. Zoning District: R-88; Map: 28; Block: 1; Lot: 22.

Patrick Hearty made a motion to hear Application # 27-16, duly 2nd, approved 4-0. Patrick and Katherine Lynch approached the board. The proposed plan would install a pergola over the existing deck in the rear which would extend 14 feet, in excess of the 10' regulation. There would be no increase in nonconformity. Joe DePaul showed photographs of the property, noting that the backyard is private and would not impact the neighbors in any way. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul made a motion to grant a variance for a 14'x18' pergola per the plans as submitted, the hardship being the size and shape of the lot, noting that there is no increase in nonconformity, duly 2nd, approved 4-0. Variance approved.

Application # 28-16: Connelly & Clapps, 3 Ridgeway Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setbacks to 25' and 22', 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: 45; Block: 2; Lot: 14.

John McCartney made to motion to hear Application # 28-16, duly 2nd, approved 4-0. Helene Connelly approached the board and gave a brief history of the property. The existing house was in the family for 35 years and 10 relatives inherited it. Ms. Connelly bought them out. After purchasing the house, it was discovered that the house was beyond repair and would need to be demolished. The proposed application would be for a two-story house with two bedrooms and two bathrooms. The proposed height would be 22'. The neighbor's views and position of their houses were discussed. The position of the existing and proposed deck was discussed. The lot has two fronts; a 25' front setback would be need on Ridgeway and a 22' setback would be needed on Glenway. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul made a motion to grant a variance to demolish the existing house and construct a new one per the plans as submitted with a 25' front setback on Ridgeway and a 22' front setback on Glenway, noting that there is a reduction in nonconformity; the hardship being the small size and slope of the lot, duly 2nd, approved 4-0. Variance approved.

John McCartney made a motion to discuss the 2017 calendar, duly 2nd, approved 4-0. Patrick Hearty noted that it might be difficult for him to make the March 16, 2017 meeting. Joe DePaul made a motion to adopt the 2017 calendar, duly 2nd, approved 4-0.

Joe DePaul informed the board of two upcoming lawsuits against the town. John McCartney made a motion to adjourn the meeting at 8:34 p.m., duly 2nd, approved 4-0.