

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

**MINUTES
December 15, 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, December 15, 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; John Apple, Vice Chairman; Patrick Hearty; Vinny Mancuso; 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. Vinny Mancuso made a motion to adopt the agenda, duly 2nd, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

Continued Application # 26-16: Berrie, 3 Candlewood Road, for variances to Zoning Regulations 3.2.5A, 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.

Joe DePaul stated that Stanley Berrie had requested Application # 26-16 be withdrawn on December 15, 2016.

Application # 30-16: Lawson, 23 Meadoway (Candlewood Knolls), for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 23.5', 3.2.6B Side Setbacks to 7.9' and 8', 3.2.6C Rear Setback to 29.8', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a vertical expansion to allow for installation of a full bath in the loft. Zoning District: R-44; Map: 45; Block: 3; Lot: 13.

John Apple made a motion to hear Application # 30-16, duly 2nd, approved 5-0. Joe Coelho, JC Contracting, approached the board with a letter authorizing him to act as agent for the applicant. Mr. Coelho stated that the existing roofline would be raised approximately 5' to allow headroom for a full bath. Vinny Mancuso questioned what the height of the existing roof is. Mr. Coelho stated that the existing roof is approximately 21' which would be raised to 25.5' to allow for the pitch of the roof. Joe DePaul stated that the vertical expansion would not block views and produced photos from across the street. The size of the house was discussed. Mr. Coelho stated that the screened-in porch would be closed in, with no increase

in nonconformity. The setbacks were 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. The board had no issues with the application. Joe DePaul made a motion to grant a variance to allow the roof to be raised per the plans as submitted, noting that there is no increase in nonconformity, with a Front Setback to 23.5', a Rear Setback to 29.8', South Side Setback to 7.9' and a North Side Setback to 8'; the hardship being the small size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the Minutes as read, duly 2nd, approved 3-0-2, John Apple and John McCartney abstaining.

Application # 31-16: Cherick Designs, LLC, 3 Willow Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setbacks to 9.4' and 9.3', 3.2.6C Rear Setback to 41', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a vertical expansion. Zoning District: R-44; Map: 20; Block: 4; Lot: 101 & 102.

John Apple made a motion to hear Application # 31-16, duly 2nd, approved 5-0. Cheryl Finley and Patrick Reilly approached the board and presented plans for the vertical expansion. The plans laid out two areas (A & B) to be raised. Roof height and dimensions were discussed, with Area B being raised 8' to accommodate a set of stairs. The position of the deck would remain. Patrick Hearty asked if the vertical expansion would obstruct neighbor's views. Ms. Finley stated that there no views would be impacted and there was an area of ledge behind the house. Joe DePaul asked the public for comments. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. Patrick Hearty commented that he did not have a problem with the application because the applicant is not going past the ridge line and there would be no obstructed views. Joe DePaul made a motion to grant a Rear Setback to 41', a Side Setback to 9.4' and 9.3' for the purpose of a vertical expansion; the hardship being the irregular size, shape and slope of the property, duly 2nd, approved 5-0. Variance granted.

Application # 32-16: Marlowe, 25 Overlook Road, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 2.5', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of expanding an existing deck. Zoning District: R-44; Map: 45; Block: 5; Lot: 62 & 63.

Patrick Hearty made a motion to hear Application # 32-16, duly 2nd, approved 5-0. Cord and Kelly Marlowe approached the board. The applicant explained that they had purchased the property two months ago and the existing deck had a previous variance which was granted in 1986. The variance approved a smaller deck than what is existing and they are asking for a variance to make the existing deck in compliance with town regulations. The applicant stated that the adjacent property is a vacant unbuildable lot. Patrick Hearty questioned if a home inspector or attorney had mentioned that the variance was not in compliance. The Marlowe's could not produce a copy of the variance but stated that it was in the land use file at town hall. The history of the house was discussed. The house was built in the 1930s with additions added. The Marlowes did not have the exact dimension of the existing deck. Joe DePaul stated that he would like to see the original variance and suggested a continuance. Patrick Hearty made a motion to continue Application # 32-16, duly 2nd, approved 5-0.

Application # 33-16: Campanelli, 18 Brook Drive, for variances to Zoning Regulations 3.0.4C Minor Accessory Buildings & Structures, 3.2.5A&B, 3.2.11, 7.1.1.1A,B&C and 7.2.3A&B for the purpose of erecting a 12'x16' pre-engineered shed on the side yard. Zoning District: R-44; Map: 44; Block: 4; Lot: 57.

John McCartney made a motion to hear Application # 33-16, duly 2nd, approved 5-0. Linda DiSarro approached the board and explained that they would like to put a pre-engineered 12'x16' shed to the front side of their home. The dimensions of the shed were discussed. Vinny Mancuso asked if the shed would be put on a slab. Ms. DiSarro stated that the shed would go on top of a graveled area. Ms. DiSarro produced photos of the property and area where the shed would be placed on an angle off the side of the house. John McCartney questioned the position of a gate on the property. Joe DePaul questioned whether the shed could be placed in the rear of the property or under the deck. Ms. DiSarro stated that under the deck was not a possibility because a stream runs under the house and piles could not be put in for the foundation. The position of the septic and the slope of the backyard were discussed. Joe DePaul questioned what the height of the shed would be. The applicant stated that the height would be 9.5'. Joe DePaul stated that the regulations do not allow a shed to be placed in the front or side and must be placed in the rear. Mr. DePaul referred to the Zoning regulations and property boundaries. Mr. DePaul suggested that they move the shed to the rear. Steven Campanelli stated that they would need a crane because the shed was pre-engineered and that would not be possible. Mr. DePaul countered that they could build a shed instead and grade the area. Mr. DePaul suggested that alternative locations for the shed be investigated, such as under the deck. John Apple suggested involving an architect for additional ideas and placement. Patrick Hearty made a motion to continue Application # 33-16 to next month, duly 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn at 7:59 p.m., duly 2nd, approved 5-0.