

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812

MINUTES
January 22, 2015

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, January 22, 2015 in the New Fairfield Library Community Room located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Jack Michinko; Vinny Mancuso; and Patrick Hearty.

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. Joe DePaul gave the definition of a recusal.

Secretary Joanne Brown read the Agenda. John Apple made a motion to adopt the Agenda, duly 2nd, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

Continued Application # 31-14: Becker, 30 Ball Pond Road East, for variances to zoning regulations 3.2.5A, 3.2.6A Front Setback to 10', 3.2.6B Side Setbacks to 5.5' and 5.5' and 3.2.6C Rear Setback to 14.6' and 7.2.3A,B&E for the purpose of relocating and rebuilding (which includes increasing the footprint and height) an existing garage. Zoning District: R-44; Map: 22; Block: 7; Lot: 5 & 20.

Vinny Mancuso made a motion to hear Application # 31-14, duly 2nd, approved 5-0. Irv Becker approached the board with his agent Stacey Keaney.

The applicant proposes to rebuild an existing garage matching the architecture of the existing house which is located on a separate piece of property across the street. The applicant stated that they took the Chairman's suggestion to move the garage back 17' from the roadway and hired a civil engineer. The engineer suggested moving the garage back 10' because the existing property is very steep and moving the garage back any more than 10' risks deep excavations into steep slopes.

The applicant also stated that there is an existing 5' in front of the garage before the road so moving the garage back 10' provides 15' in front of the garage which is enough room to park a car off the road.

The applicant presented the plan to Wetlands on Tuesday. Wetlands approved both the 10' and 17' pushback with a strong preference for 10'. The applicant stated that Wetlands' concern was that excavating further into the slopes may create a problem with erosion.

Stacey Keaney stated that if the garage was moved back 10', they would have to remove approximately 55 CY of soil. If the garage is moved back 17', they would have to remove about 115 CY of soil. John Apple suggested raising the garage about 1' from its existing elevation. He noted that it appears that the garage is now lower than the street and water runs into the garage. By raising the elevation, they can fix the drainage and less soil would have to be removed. The applicant agreed this is a good suggestion and will have his engineer address it.

The applicant was asked if anyone lives behind the garage. The applicant said that the closest house was far back and there are many trees all around the garage. He added that if they move the garage 10', they do not have to remove trees. If they move it 17', they need to take down trees.

The applicant stated that there is no water, heat or septic for the garage. There is electric and the garage is to be used for storage. The existing height of the roof is 14' and the new height will be 25'.

The Chairman asked if the proposed garage would be the same width as the existing garage. The applicant said by moving the garage back, they are asking for an increase in width. The applicant's architect stated that a normal size three-car garage is 36' x 24'. The existing garage is 30' x 22'. They are requesting 34'x24'. The Chairman stated that by asking for a larger garage, they are increasing the non-conformity.

The architect stated that the existing side setbacks are 5.8' and 9.6'. They may be able to center the garage on the property and then each proposed side setback would be 6.5'. The Chairman again stated that they are still increasing the non-conformity and the applicant agreed. The architect said that they are looking to provide a more normal size three-car garage and accommodate a set of stairs inside to access the storage space. Mr. Mancuso asked if the stairs could be reconfigured in the garage to require less room. The applicant stated that they would still need the extra length to accommodate the stairs. Mr. Michinko asked if they considered installing pull down stairs. The applicant stated that he has a lot of things to store and is concerned about safety using that type of stairs.

The Chairman asked if the applicant considered positioning the garage so it would be parallel to the side property lines. The property is not a square but is more of a parallelogram. He was not sure if this would allow the applicant to drive into the garage since the front of the garage would be at an angle. He asked if the position would be noticeable. The architect said that it was more desirable to match the street line than the side property lines since the property lines are not clearly distinguished. Also, there would be a concern regarding the steepness of the property being steeper on one side of the garage than the other.

The Chairman asked if the dimensions for side setbacks given earlier, which were 6.5', accounted for the roof overhang. The applicant said the 5.5' requested in the application takes the overhang into account. The Chairman stated that the applicant is asking for a great deal.

The applicant stated that they have to provide Wetlands with a foundation plan and drainage plan.

The Chairman asked the public for any comments. None given. Vinny Mancuso made a motion to enter into the business session, duly 2nd, approved 5-0. John Apple discussed that the applicant is improving the garage so it is no longer an eyesore in the neighborhood. The board agreed that the applicant did address what was asked of him by the board at the last meeting.

The Chairman stated that request is for a large expansion. He appreciates the applicant moving the garage back 10' to allow for cars to be parked off of the roadway. He is still concerned about increasing the non-conformity and thinks that repositioning the garage to make it parallel to the side property lines would be a mistake.

Joe DePaul made a motion to grant a variance for a front setback to 10', side setbacks to 5.5' and 5.5' each and a rear setback to 14.6' for the purpose of replacing a garage per the plans as submitted which would include a vertical expansion for storage on the second floor, the hardship being the shape of the lot and slope of the lot, duly 2nd, approved 5-0. Variance granted.

While in the business session, Vinny Mancuso made a motion to adopt the minutes from December 15, 2014, duly 2nd, approved 4-0-1, Patrick Hearty abstaining.

Continued Application # 36-14: McSpedon, 299 Route 39, for variances to zoning regulations 3.2.5A, 7.2.3A,B&E, 3.2.7; Building S (cottage on south side of property) 3.2.6C Rear Setback to 1.8' and 3.2.6B South Side Setback to 1.0'; Building N (cottage on north side of property) 3.2.6C Rear Setback to 0.5' and 3.2.6B North Side Setback to 0.5' for the purpose of renovating the two buildings including adding second story.

Chairman DePaul read a letter from Attorney Richard Smith regarding Continued Application #36-14. He asked that it be postponed until next month due to scheduling conflicts.

Vinny Mancuso made a motion to adjourn the meeting at 7:37 p.m., duly 2nd, approved 5-0.