

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut 06812

MINUTES April 16, 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, April 16, 2015 in the New Fairfield Community Room above the Senior Center located at 33 Route 37. Secretary Joanne Brown took the Minutes.

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

ZBA members absent: Vinny Mancuso and Alternate Ann Brown.

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:04 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 # 05-15: Rossini, 7 Pleasant View Road, for variances to zoning regulations 3.2.5A&B, 3.2.6B South Side Setback to 1', and 3.2.11 for the purpose of adding a deck with a catwalk and staircase. Zoning District: R-44; Map: 2; Block: 6; Lot: 55.

John Apple made a motion to bring Application # 05-15 to the floor, duly 2nd, approved 4-0. Guy Rossini approached the board and updated the board members on his application. Mr. Rossini stated that there is currently no rear access to the property and service or emergency personnel cannot get to the rear of the property without going through the house. The gasman has to use a 6' floor ladder to make a delivery. Mr. Rossini is looking for a catwalk on the south side of the property that would allow entry to the house and a return staircase to the lower level. Patrick Hearty questioned why the application was continued. Joe DePaul stated the application was continued so that the board could visit the property. Joe DePaul stated that he saw the need for the catwalk and stairway for egress but not the need for the deck so close to the property line. Joe DePaul provided pictures of the property from his site visit. Chairman DePaul stated that he did not believe that this was a critical safety issue and did not see a problem with asking for the staircase but see did a problem with the deck on the zero lot line and so close to the neighbors. A lengthy discussion ensued about egresses and code and if the staircase would impede the egress. Joe DePaul asked why service personnel could not use the neighbor's walkway. Mr. Rossini stated that it was an insurance issue and that his neighbors would not want people on their

property. The board discussed several options of placement of the staircase and septic regulations. Chairman DePaul stated that it was unfair to ask for a deck with this application and that the applicant need to come up with another proposal. Mr. Rossini agreed to meet with the ZEO to discuss a 3' catwalk with a return staircase and return in front of the board next month with the regulations regarding the egress. John Apple made a motion to continue Application # 05-15 to next month, duly 2nd, approved 4-0.

Continued Application # 06-15: Deluke, 22 Sunset Drive, for variances to zoning regulations 3.2.5A&B, 3.2.6A Front Setback to 22.9' and 3.2.11 for the purpose of constructing a two car garage. Zoning District: R-44; Map: 11; Block: 2; Lot: 6.

John Apple made a motion to bring Continued Application # 06-15 to the floor, duly 2nd, approved 4-0. Joe DePaul read an email dated April 10th from the Deluke's asking for a continuance until the May meeting because their attorney, Neil Marcus, was not available. Patrick Hearty made a motion to continue Application # 06-15 to next month, duly 2nd, approved 4-0.

Application # 07-15: Rosa, 16 Milltown Road, for variances to zoning regulations 1.5.7 Odd Shaped Lot, 3.2.5B, 3.2.6C Rear Setback to 23', 3.2.11, 7.1.1.2 Improved Lots Not in Validated or Approved Subdivisions and 7.2.3A&B for the purpose of building a 20'x40.5' deck. Zoning District: R-44; Map: 27; Block: 3; Lot: 35A.

John Apple made a motion to bring Application # 07-15 to the floor, duly 2nd, approved 4-0. Applicant Jack Rosa approached the board requesting a deck to replace an existing patio in disrepair. The proposed deck would be close the ground with a pier that extends to the other side of the property. The issue is that the corner of the deck would be too close to the setback. Joe DePaul commented that the Zoning Commission somewhere along the line made the legal determination that the rear setback line would be toward the side of the property due to the irregular and odd shape of the lot. A lengthy discussion ensued about the placement of the property and setbacks and the Zoning Commissions' authority to do so. John Apple commented that there would not be any real increase in nonconformity. Joe DePaul showed the board photos of the rear of the yard. Joe DePaul asked the public for comment. None given. Patrick Hearty made a motion to enter the Business Session, duly 2nd, approved 4-0. The board discussed the hardship of the irregular shape of the lot and that the ZEO has the right to decide what is considered a rear or side setback but that ZBA has the authority to grant a variance nonetheless. Joe DePaul made a motion to leave the Business Session, duly 2nd, approved 4-0. Chairman DePaul noticed that the variance needed to be amended on the application from 23' to 24' feet. Applicant Rosa amended the application and initialized it. John Apple made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul made a motion to grant a 24' rear variance for the purpose of building a 20'x40.5' deck per the plans as submitted, the hardship being the irregular shape of the lot, duly 2nd, approved 4-0. Variance granted.

While in the Business Session, John Apple made a motion to adopt March 2015 minutes as read, duly 2nd, approved 3-0-1, Patrick Hearty abstaining. John Apple made a motion to adjourn the meeting at 7:45 pm, duly 2nd, approved 4-0.