

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

**MINUTES
July 23rd, 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, July 23rd, 2015 in the Company A Firehouse located at 302 Ball Pond Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman, Vinny Mancuso, Jack Machinko and Alternate Ann Brown.

ZBA members absent: Patrick Hearty

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:01 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. Joe DePaul made a motion to adopt the Agenda, July 2nd, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

Continued Application # 13-15: Forster, 4 Cecelia Lane, for variances to zoning regulations 3.2.5A&B, 3.2.6B Side Setback to 11'6", 3.2.6C Rear Setback to 30', 3.2.11, 7.1 and 7.2.3.A&B for the purpose of constructing a 6'x14' elevated deck. Zoning District: R-44; Map: 10; Block: 8; Lot: 12.

Vinny Mancuso made a motion to hear Application # 13-15, July 2nd, approved 5-0. Applicant Frank Forster and builder, Richard Salem, returned to the board. Joe DePaul recapped the application for the board members that were not present at the prior meeting explaining that the applicant had an existing deck which was located under a 3.5' overhang. The applicant presented plans to the board requesting a larger deck that the board thought was too large. A suggestion was made that the applicant would revise the size of the deck to 6'. Frank Forster stated that he was removing the stairs from the plan but would like an 8' deck instead of the 6' that was previously suggested. A lengthy discussion ensued about the size of the deck. Vinny Mancuso commented that if the applicant agreed to the 6' deck, it should be upheld. Joe DePaul and the builder, Richard Salem, confirmed that a side setback to 11.6" and a rear setback to 29.2' were needed for the 6' deck. Joe DePaul asked the public for comments. None given. Joe DePaul asked the board for any comments. Jack Machinko suggested a compromise of 7', noting that 6' is small for a deck. John Apple commented on the placement of the deck and the 440 line. The board agreed that the original suggestion should be upheld. Vinny Mancuso made a motion to

enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a variance for a 6'x24' deck with a rear setback to 29.2' and a side setback to 11' 6" per the plans as submitted and revised, the hardship being the irregular shape and size of the lot, July 2nd, approved 5-0. Variance approved.

While in the Business Session, Ann Brown made a motion to adopt the minutes as read, July 2nd, approved 3-0-2, John Apple and Vinny Mancuso abstaining.

Application # 14-15: First of Many Properties, 1 Kingsbury Road, for variances to zoning regulations 3.2.5A, 3.2.6A Front Setback to 36'2", 3.2.11, 7.1 and 7.2.3A&B for the purpose of constructing a deck. Zoning District: R-44; Map: 36; Block: 8; Lot: 13 & 14.

John Apple made a motion to hear Application # 14-15, July 2nd, approved 5-0. Susan Schneider and Duncan Lester, principals of First of Many Properties, LLC approached the board. Duncan Lester stated that they were asking for a deck to be added to an existing deck. Joe DePaul noticed that the construction had already begun. Susan Schneider explained to the board that construction was started on the deck before they knew what the process was when they applied for the permits. When the property was surveyed they realized that they needed to get a variance. Duncan Lester said that they were only asking for a front setback with no increase in nonconformity. A brief discussion of setbacks ensued. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2nd, approved 5-0. In the Business Session, the board discussed that only a front setback was needed and there was no increase in nonconformity. Joe DePaul made a motion to grant a variance with a front setback to 36.8' for the purpose of constructing a 10'x38'x17.9' deck per the plans as submitted, the hardship being the irregular size and shape of the lot, July 2nd, approved 5-0. Variance approved.

Application # 15-15: Donovan, 64 Gillotti Road, for variances to zoning regulations 3.0.5A,B&C Private Permanent Detached Garage, 3.1.5A&B Minimum Lot Area and Frontage; 3.1.6B Side Setback to 20', 3.1.11, 7.1.1.2 Improved Lots Not in Validated or Approved Subdivisions and 7.2.3A&B for the purpose of constructing a 1,080 sq. ft. detached garage. Zoning District: R-88; Map: 23; Block: 16; Lot: 8.

Vinny Mancuso made a motion to hear Application # 15-15, July 2nd, approved 5-0. Denise and John Donovan approached the board. Joe DePaul asked what business Mr. Donovan was in because of the amount of equipment stored on his property. A discussion ensued about the equipment on the property and whether Mr. Donovan was running a business out of his home. Mr. Donovan explained that he was employed by Consolidated Edison for 30 years and there was no business being conducted out of the home. Joe DePaul stated that the applicants already have a two car garage. Mr. Donovan stated that they did have a two car garage and commented that the second garage was needed to store the vast amount of equipment on his property. Joe DePaul asked the applicant if Zoning had told them they were entitled to another garage. Mr. Donovan stated that Zoning had told they were entitled to another 750 sq. ft. building with the acreage and the square footage of the existing building on the property. Joe DePaul questioned why they needed a larger garage. Mr. Donovan stated that the larger garage was needed for storage. Joe DePaul stated that there is no hardship in this case and explained that hardship was tied to the land. John Apple asked if they could put up a 750 sq. ft. garage without a variance. A lengthy discussion ensued about the position of the garage. Mr. Donovan stated that Tim Simpkins told

him that he needed to leave the area clear in the middle of his property in case his septic failed to replace the fields. Joe DePaul stated that he had a problem with granting a variance where there is no hardship. The size of the garage was discussed and Mr. Donovan agreed to revise the plans to reduce the size of the garage to 750 sq. ft. with the 20' side setback. Joe DePaul reiterated that hardship is not based on personal need and hardship is only based on the land. Joe DePaul suggested that Mr. Donovan contact Tim Simpkins and get some documentation showing that the garage needed to be placed at the 20' setback to ensure enough room for the backup septic fields which might show some type of hardship. Mr. Donovan agreed to explore the possibility with Tim Simpkins and continue the application until next month. Vinny Mancuso made a motion to continue Application # 15-15 until next month, July 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 7:51 p.m., July 2nd, approved 5-0.