

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

**MINUTES  
December 17, 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, December 17, 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; Debbie Bing-Zaremba and Alternate Ann Brown.

ZBA members absent: Patrick Hearty.

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:02 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. Vinny Mancuso made a motion to adopt the agenda, duly 2<sup>nd</sup>, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

**Continued Application # 24-15:** Rubio, 61 Lake Drive North, for variances to zoning regulations 3.2.5A&B, 3.2.6A Front Setback to 5', 3.2.6B Side Setbacks to 8' and 15', 3.2.6C Rear Setback to 45', 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 demolishing an existing single family dwelling and rebuilding it 8' closer to the road with a roof between the garage and the carport. Zoning District: R-44; Map: 15; Block: 1; Lot: 47.

Vinny Mancuso made a motion to hear Continued Application # 24-15, duly 2<sup>nd</sup>, approved 5-0. Tamara Zinick of Permit Me Please approached the board representing owner Andres Rubio. Ms. Zinick explained the history of the property. Ms. Zinick read a letter from T. Michael Alex, Licensed Land Surveyor, into the record clarifying the chain of title and that fact that the previous property owner did not sell the property to First Power and Light but granted flowage rights to the 440 line which runs through the existing house. Joe DePaul read into the record an email from First Light and Power indicating that although they do not own the property, they have a right to raise the water level up to the 440 line. Ms. Zinick stated that based on the email received today, they would like to request a continuance to the January meeting to discuss with their legal counsel. Joe DePaul read an email from a Gianluca Ballarini, owner of 56 Lake Drive North, expressing their concern with losing lake views and opposing the application. Ms. Zinick said that the applicant was prepared to propose a new plan which would increase the roof height by only 4' instead of 8' which was initially proposed. Designer, Lynn Persan, discussed the new elevations of the new proposal. Joe DePaul said that the

board would be reluctant to approve any plan that would impact adjacent property owners and detracts from property values. Joe DePaul asked for their hardship. Ms. Zinick replied that the septic was failing and did not meet today's standards. Joe DePaul indicated that the board would recognize a letter from the town's Sanitarium, Tim Simpkins, stating that the septic system can only be located in the proposed area. Ms. Zinick stated that they would present a plan showing the existing garage height and the proposed house roof height. Mr. Rubio, owner, approached the board and indicated that he did not want to impact others' property value. The applicant discussed the legality of impact of property owners' views and Joe DePaul countered by stating that the house is nonconforming and by increasing the size of the house, there is an increase in nonconformity and the board has a right to deny the application. Mr. Rubio said he is willing to provide a study that will show that the sight lines are not impacted by the proposed application. Debbie Bing-Zaremba questioned whether the house is being moved 8' forward or 12' forward. Mr. Rubio said he would consider further and additional excavation if the study shows the added height would impact views. Mr. Rubio stated that the garage exterior wood would be replaced but the structure will not change. John Apple questioned whether it was okay to excavate three feet or would the excavation enter the water table.

Joe DePaul stated that he understood the neighbors' concerns and that the applicant is increasing nonconformity by increasing the square footage by 563 feet. Moving the house forward is to provide the room needed for a new septic system. Jim Blandsfield, builder, explained the positioning of the proposed construction with regards to the 440 line and the positioning of the septic. Mr. Blandsfield discussed the hardship of the septic. The side setbacks were not to be changed. Ann Brown questioned if the septic can be placed in the 440 line. Vinny Mancuso asked if they had a failing septic and had not proposed construction, what could be done. Ms. Zinick read a letter from Ralph Gallagher, Professional Engineer, into the record regarding the septic system. Mr. Blandsfield discussed First Light and Power's position with the 440 line. Joe DePaul stated that he would discuss this situation with the town attorney. Joe DePaul asked for comments from the public. Neighbor, Michael Logiudice presented photos to visualize the impact to his view of the lake if the house was raised 4'. A lengthy discussion ensued. It was noted that Mr. Liogiudice used photoshop to remove any existing trees from the view. Joe DePaul suggested the gentlemen continue their discussion to see if they could come to an amicable agreement regarding the impact of the view. Photos were also presented by neighbor, Suzanne Foley, 52 Lake Drive North. Ann Brown made a motion to continue Continued Application #24-15 to the January meeting, duly 2<sup>nd</sup>, approved 5-0.

**Continued Application # 25-15:** Lewis, 32 East View Road, for variances to zoning regulations 3.2.5A, 3.2.6A Front Setback to 36'9", 3.2.6C Rear Setback to 46.6', 7.1.1.1A,B&C, and 7.2.3A,B&E for the purpose of constructing a second story vertical expansion. Zoning District: R: 44; Map: 10; Block: 3; Lot: 78-80.

John Apple made a motion to hear Continued Application # 25-15, duly 2<sup>nd</sup>, approved 5-0. Peter Young, agent for the Lewis', approached the board. Mr. Young presented photos showing the view from the neighbor's property. Mr. Young also presented drawings as requested by the board of the existing house and the proposed house highlighting the existing roof line with a vertical expansion of 5'11". Mr. Young stated that the square footage would

increase from 2800 to 3600 square feet. John Apple questioned what the height of the roof was from the ground. Mr. Young stated that the height was going from 18' to 23'. Debbie Bing-Zaremba questioned the neighbor's view from the side lot. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Debbie Bing-Zaremba stated that she did not believe there was a hardship. Ann Brown stated that based on the photos and drawings presented, the increase in height places the roof line at the same height as the adjacent house. Joe DePaul made a motion to grant a front setback to 36.9' and a rear setback to 46.6' for the purpose of a vertical expansion noting there is no increase in dimensional nonconformity per the plans as submitted, the hardship being the size and shape of the lot, July 2<sup>nd</sup>, approved 4-1, Debbie Bing-Zaremba denying. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to adopt the minutes as read, July 2<sup>nd</sup>, approved 4-0-1, Ann Brown abstaining.

**Application # 28-15:** Roberts, 8 Candlewood Knolls Road, for variances to zoning regulations 3.2.5A&B, 3.2.6A Front Setback to 25', 3.2.6B Side Setbacks to 8.5' (south side) and 12.5' (north side), 3.2.11, 7.1.1.1A,B&C and 7.2.3.A,B&E for the purpose of constructing a shed/gable dormer on second floor and building a 6'x14' deck off the dining room. Zoning District: R-44; Map: 20; Block: 11; Lot: 8.

Ann Brown made a motion to hear Application # 28-15, July 2<sup>nd</sup>, approved 5-0. Bruce Hickey, builder, approached the board. Mr. Hickey explained that the proposed dormers will allow for better utilization of the house. Joe DePaul asked why a deck is proposed in the front of the house. Mr. Hickey stated that the deck would allow the owners to take advantage of the lake view. Joe DePaul stated that he believed that the deck was in very close proximity to the neighbor's house. Mr. Hickey stated that he had two letters from both neighbors stating that they had no objection to the proposed application. Mr. Hickey stated that the applicant is taking a 4 bedroom house and changing it to a 2 bedroom house. The applicant improved the septic system, abandoned the well and tied into the community water system. The applicant indicated that the roof height and square footage was not changing. Joe DePaul stated that he had a problem with the deck on the front of the house. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a front setback to 24.4', rear setback to 30.3', a side setback to 8.8' and another side setback to 12.9' to construct a dormer on the front side of the roof and put a deck on the front of the house, noting that there is no increase in dimensional nonconformity. The hardship being the irregular size and shape of the lot, July 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 29-15:** Rowan, 63 Bogus Hill Road, for variances to zoning regulations 3.2.5A&B, 3.2.6B Side Setback to 10', 3.2.6C Rear Setback to 38'4", 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of creating a vertical expansion and splits the height of the plate between previously granted variances. Zoning District: R-44; Map: 11; Block 2; Lot: 25.

Debbie Bing-Zaremba made a motion to hear Application # 29-15, July 2<sup>nd</sup>, approved 5-0. Caren Carpenter presented a plan deleting two windows and lowering the roof line from the previously approved variances. Ms. Carpenter stated that everything else remained the same. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter

into the Business Session, July 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a rear setback to 38.4', a side setback to 10.5' for the purpose of changing the roof line and deleting two windows from previous variances already granted, July 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 30-15:** Cioffoletti, 58 Fairfield Drive, for variances to zoning regulations 3.2.6A Front Setback to 30' for the purpose of constructing a two bedroom single family dwelling. Zoning District: R-44; Map: 33 Block: 1; Lot: 102-103.

Ann Brown made a motion to hear Application # 30-15, July 2<sup>nd</sup>, approved 5-0. Dainius Virbickas, Engineer, approached the board and gave a history of the property. Mr. Virbickas stated that the proposed plans have received approval from Wetlands. The main portion of the house has been moved back 34' from the property line with only the covered stairs being 30' from the property line. The footprint of the house would be 800 square feet, both floors being 1600 square feet total, an increase of 100 square feet from the previous proposal. The garage is now attached to the house. Joe DePaul stated that the property had many hardships. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a front setback to 30' for the purpose of constructing a house per the plans as submitted, the hardship being the size, shape, topography and wetlands of the lot, July 2<sup>nd</sup>, approved 5-0. Variance approved.

**Application # 31-15:** McCartney, 3 Peaceful Drive, for variances to zoning regulations 3.1.6C Rear Setback to 49'5" and 7.2.3A,B&E for the purpose of constructing a second story addition. Zoning District: R-88; Map: 14; Block: 2 Lot: 4.3.

John Apple made a motion to hear Application # 31-15, July 2<sup>nd</sup>, approved 5-0. Owner Christina McCartney approached the board with a proposal for a vertical expansion to add a second story over the garage which currently has a flat roof. The addition would include two bedrooms and one bathroom. There would be no increase in nonconformity. No neighbor's views would be impacted. Joe DePaul asked the public for comment. None given. Debbie Bing-Zaremba pointed out that the application was incorrectly filled in as a use variance. Ms. McCartney corrected the original application. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a rear setback to 49.5' for a vertical expansion over the garage per the plans as submitted, noting there is no increase in dimensional nonconformity, the hardship being the size and shape of the lot, July 2<sup>nd</sup>, approved 5-0. Variance approved.

Debbie Bing-Zaremba made a motion to adjourn at 8:58 pm, July 2<sup>nd</sup>, approved 5-0.