

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

**MINUTES  
January 21, 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, January 21, 2016 in the Community Room of the New Fairfield Public Library located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Debbie Bing-Zaremba 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 7:00 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 2<sup>nd</sup>, approved 4-0. 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.

Joe DePaul read into the record an email from owner, Andres Rubio, dated January 14<sup>th</sup>, 2016, withdrawing the application in order to further assess the situation with First Light and Power and the impact the proposed project might have on their neighbors' views. Mr. Rubio thanked the board for their time and consideration.

**Application # 32-15:** Barnes & Marinelli, 62 Lake Drive South, for variances to zoning regulations 3.2.5A, 3.2.6B Side Setback to 15', 3.2.6C Rear Setback to 32', 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a second story addition, a rear deck and a detached garage. Zoning District: R-44; Map: 20; Block: 1; Lot: 30-32.

John Apple made a motion to hear Application # 32-15, duly 2<sup>nd</sup>, approved 4-0. Attorney Neil Marcus of Cohen & Wolf approached the board with owners John Barnes and Theresa Marinelli. Attorney Marcus presented the applicant's proposal to rehabilitate the existing

house with a new addition, deck and a new garage. The house is located at the bottom of a very steep lot. The neighbor's views were discussed and it was ascertained that no lake views would be impacted. The variance dimensions were discussed. The left hand side of the roof would be increased by 2' to 23.8'. The height of the roof from the current 1st floor would increase from 15'7" to 19'11". The variances the applicants are requesting are from the 440 line. The side variance was discussed going from 16.3' to 15' to include the overhang. The deck would measure 6.5' on one side and 9.6' on the other side. The north side of the house does not require a variance. The rear variance is currently 41' and would go to 32' from the 440 line. The proposed spa does not require a variance. The balcony and the terrace were discussed. John Apple asked about the numerous trees on the property. John Barnes stated that 3-4 trees would be taken down in agreement with their neighbor for safety reasons.

Attorney Marcus explained that the house was a preexisting nonconforming structure on a preexisting nonconforming lot. The raising of the roof is to get legal headroom. Joe DePaul asked the board if they had a problem with the vertical or side setback which the board did not. Joe DePaul stated that the deck was the problem because it increases nonconformity. Attorney Marcus stated that the variances were needed because of the position of the 440 line. Attorney Marcus discussed the existing flagstone landing. Joe DePaul stated that the deck did not have a hardship. John Barnes gave a brief overview of their plans to keep a smaller home with an outdoor space without overbuilding the site. Joe DePaul discussed moving the addition to the side. Ms. Marinelli explained that the deck would provide a safer form of egress and discussed the positioning of the septic. Joe DePaul explained that the board was hesitant to grant variances that increase nonconformity. Joe DePaul asked why the applicants wanted two garages. John Barnes said that the existing garage would be turned into a shed for storage. Joe DePaul suggested that if the existing garage were to be taken down in its entirety, it would decrease nonconformity and the property would look better from the street. The board agreed that if the existing garage was taken down they would be more willing to grant a variance as it would be decreasing nonconformity. Joe DePaul asked the public for comment. None given. Neil Marcus thanked the applicants for keeping the project contained and small. Debbie Bing-Zaremba made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 4-0. Joe DePaul made a motion to grant a Rear Setback to 32', a Side Setback to 15' to construct a vertical expansion, adding an addition and a rear deck per the plans as submitting on the condition that the existing garage is completely removed, duly 2<sup>nd</sup>, approved 4-0. Variance granted. While in the Business Session, Joe DePaul made a motion to adopt the minutes as read, duly 2<sup>nd</sup>, approved 3-0-1, Patrick Hearty abstaining.

**Application # 33-15:** Halpin, 346 Route 39, for variances to zoning regulations 3.2.5A&B, 3.2.6A Front Setback to 23.9', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a shed dormer on the rear and a center gable on front of the house. Zoning District: R-44; Map: 42; Block: 1; Lot: 26-33.

Patrick Hearty made a motion to hear Application # 33-15, duly 2<sup>nd</sup>, approved 4-0. Chris Halpin approached the board and explained that the only change from the previous variance would be to add a dormer on the back of the house and a gable dormer on the front of the house with no change in height or roof line. Joe DePaul discussed the position of the dormers. Chris Halpin reiterated that it was just a change of plans with no change in the variance. Patrick Hearty stated that he was just updating his plans. Joe DePaul noted that

there was no one in the audience for comment. Patrick Hearty made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 4-0. Joe DePaul made a motion to grant a front setback to 23.9' for the purpose of changing the plans on the house to the plans as submitted tonight, noting that the plans submitted tonight have dormers on the second floor, and also noting that there is no increase in nonconformity in changing the plans, the hardship being the irregular size and shape of the lot, duly 2<sup>nd</sup>, approved 4-0. Variance approved.

**Application # 34-15:** Santomero, 4 Dunham Drive, for variances to zoning regulations 4.3.3A Minimum Lot Area and 7.1.1 Nonconforming Improved Lot (Light Industry) for the purpose of constructing 9 (10'x20') carports. Zoning District: LI; Map: 24; Block: 15; Lot: 24&25.

John Apple made a motion to hear Application # 34-15, duly 2<sup>nd</sup>, approved 4-0. Joe DePaul read an email dated January 19, 2016 from Peter Young, agent for the applicant, into the record withdrawing the application.

Patrick Hearty made a motion to adjourn at 7:56 pm, duly 2<sup>nd</sup>, approved 4-0.