

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

**MINUTES
Meeting
February 20, 2014**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 pm. on Thursday, February 20, 2014 in the New Fairfield Library located at 2 Brush Hill Road. Secretary Laurie Busse took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman, Jack Michinko, Vinny Mancuso, and Patrick Hearty

ZBA members absent: John Apple, Vice Chairman and John McKee

Town Officials in attendance: None

Chairman Joe DePaul called the meeting to order at 7:00 pm, introduced the Board members, and explained the meeting process and voting procedures of a 4 member Board. Joe DePaul gave the definition of a recusal.

Secretary Laurie Busse read the Agenda. Vinny Mancuso made a motion to adopt the Agenda, duly 2nd, approved 4-0. Secretary Laurie Busse read the Call of the Meeting.

Application # 02-14: John Cantrell, 287 Route 39, for variances to zoning regulations for the purpose of constructing a deck.

Vinny Mancuso made a motion to bring Application #: 02-14 to the floor, duly 2nd, approved 4-0

John Cantrell approached the Board and explained the existing deck was in bad shape and needed to be rebuilt. The original deck was 12' X 32' and went over the 440 Contour Line. The Land Use Department recommended that he reconstruct a smaller deck that does not go past the 440 Contour Line. The new deck will be 8' X 32' and will not go past the 440 Contour Line. Although the new deck is smaller, the lot is 0.04 acres and a variance is required for front, side, and rear setbacks as well as lot coverage. The application did not indicate what percent of lot coverage the variance is being requested for. The Board stated they need to know what percent of lot coverage he is over and discussed this percentage needs to be advertised. Mr. Cantrell will get this information to the secretary by the deadline date.

Patrick Hearty made a motion to continue to the March 17 meeting, duly 2nd, approved 4-0.

Application # 03-14: Jorge Sousa, 14 Schermerhorn Drive for variances to zoning regulations for the purpose of constructing a new home.

Patrick Hearty made a motion to bring Application # 03-14 to the floor, duly 2nd, approved 4-0.

Ralph Gallagher, Engineer, approached the Board. This lot is in a previously approved subdivision and is about 1/3 of an acre. The soil was tested and the best location for the septic system is in the front of the property, thus causing the house to be pushed back toward the rear of the lot. The applicant is asking for a 29' rear setback. He meets all of the other required setbacks. The lot has a steep slope and goes from 21% to 30% grade. They will have to back fill to get a driveway and septic in. The house will be 35' X 50', colonial style with 3 bedrooms and will have a 2 car garage underneath. The applicant is proposing a rear deck that is 8' X 16' without stairs. The deck will be about 20' from the ground. Most houses in this subdivision are closer to the rear or the front setbacks than this house. The Board discussed their position on vacant lots and looked for ways to reduce nonconformity by either removing the deck or relocating it to the side of the home. If the deck was removed the rear setback would be 38'. There is an existing shed on the property that the applicant will relocate or remove.

Joe DePaul asked for any further public comment—as follows:

Curtis Taylor 16, Schermerhorn Dr.: He lives next door and has a steep slope on his lot as well. His concerns are for his well and septic system. Two years ago he had inquired on purchasing this lot and was told that it was not buildable because it was not possible to put a septic system on the lot. He is afraid of run off from the septic system contaminating his well or ruining his septic.

One of ZBA's requirements for a new home is to submit a letter from the Town Sanitarian stating the septic and the well are in the only possible location and that the septic system being used is the only type that can be used. Ralph Gallagher submitted a letter from Town Sanitarian, Mike McCarthy dated September 9, 2013, approving the septic plan with stipulations. One of the stipulations is that the septic system must be at least 75' from the well located at 16 Schermerhorn Dr. Mr. Gallagher also showed an approved drawing for the septic system. Ralph Gallagher stated the septic system is a pump up system that is being used and will also go underneath the driveway.

Kathy Taylor, 16 Shermerhorn Dr.: Shared her concerns about the well and septic and inquired about the deck and how large the house would be.

The Board discussed their concerns about the neighbors septic and well and wanted to give the neighbors a chance to contact the Town Sanitarian. They explained how to move forward. The applicant stated he will continue to the March 17 meeting. The Board reminded him he needs to submit a letter of authorization as well.

Vinny Mancuso made a motion to continue to the March 17 meeting, duly 2nd, approved 4 -0.

Application # 04-14: Joseph M. & Deborah M. Oulvey, 30 Lake Drive North, for variances to zoning regulations for the purpose of constructing a roof over the rear entrance.

Patrick Hearty made a motion to bring Application # 04-14 to the floor, duly 2nd, approved 4-0.

Peter Young, agent for the home owners approached the Board. In April 2010 Variance # 08-10 was granted for a 2nd story addition. In April of 1991 Variance # 15-91 was granted to approve a 2 car garage with a side setback to 13' 6" and a rear setback to 10',

noting the garage has never been built. Tonight he is proposing to construct a roof over the rear doorway. It will not come any closer to the rear setback than the existing variance for the garage. The Minutes to the February 2010 meeting were read into the record. The Board discussed there is no increase in nonconformity in regards to the garage. Pictures were submitted into the record along with a survey.

Joe DePaul asked for any further public comment--none heard.

Jack Michinko made a motion to move into the business session, duly 2nd, approved 4-0.

In the business session the Board discussed there is no increase in nonconformity.

Joe DePaul made a motion to grant the variance for a rear setback to 34.6' subject to the plans as submitted, the hardship is the slope and right to build the garage 10' from the rear setback, duly 2nd, approved 4-0.

Minutes: Joe DePaul made a motion to adopt the Minutes to the January 23, 2014 meeting as presented, duly 2nd, approved 3-0-1. Vinny Mancuso abstained.

Application # 05-14: Frank Forster, 4 Cecelia Drive, for variances to zoning regulations for the purpose of constructing an addition.

Patrick Hearty made a motion to bring Application # 05-14 to the floor, duly 2nd, approved - 4-0.

Frank Forster along with his architect, John McGuirk, approached the Board. The home is water front on Candlewood Lake. They are proposing a one story master bedroom addition in the front of the home. The addition will not come any closer to the existing front setback. There will be another 3' X 18' 2nd story bedroom addition over the existing house. They will not go over the existing footprint. The 2nd story addition will not be any higher than the existing roofline. The existing height of the home will remain at 24'. The existing rear setback will remain at 33.2'. The additions will add about 520sqft to the existing 1,308sqft. There is a steep slope on the property and the house sits below the road. There will be no impact on the neighbors. The Board discussed there may be an advertising issue. The legal notice stated an addition, noting historically the legal notices differentiate between single story, and 2 story additions.

Joe DePaul asked for any further public comment before making a motion to continue the application--none heard.

Vinny Mancuso made a motion to continue the application to the March 17 meeting, duly 2nd, approved 4-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:20 pm, duly 2nd, approved 4-0.