

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

**MINUTES
Meeting
March 17, 2014**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 pm. on Monday, March 17, 2014 in the New Fairfield Community Room located at 33 Route 37. Secretary Laurie Busse took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman, John Apple, Vice Chairman, Jack Michinko, Vinny Mancuso, and John McKee

ZBA members absent: Patrick Hearty

Town Officials in attendance: None

Chairman Joe DePaul called the meeting to order at 7:02 pm, introduced the Board members, and explained the meeting process and voting procedures. 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 5-0. Secretary Laurie Busse read the Call of the Meeting.

Continued 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 Continued Application # 02-14 to the floor, duly 2nd, approved 5-0

Steve Retalic approached the Board and explained last month there was an advertising issue as the percent of lot coverage was missing. Since then an email was submitted indicating the lot coverage with the deck is 44%. This is a small lot that is 0.04 acres. Steve Retalic reminded the Board that the original deck was 12' X 32' and went over the 440 Contour Line. The proposed new deck is 8' X 32' and goes up to but not over the 440 Contour Line. Discussion followed there is no increase in nonconformity or lot coverage.

Joe DePaul asked for any further public comment--None Heard.

Jack Michinko made a motion to enter the business session, duly 2nd, approved 5-0.

In the business session the Board discussed there is no increase in nonconformity and the small size of the lot.

Joe DePaul made a motion to approve a variance for a front setback to 17', a rear setback to 0' and a side setback to 5' with lot coverage not to exceed 44% for the purpose of reconstructing an 8' X 32' deck subject to the plans submitted. Further stipulating this

variance does not increase nonconformity. The hardship is the small size and shape of the lot duly 2nd, approved 5-0.

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

Vinny Mancuso made a motion to bring Continued Application # 03-14 to the floor, duly 2nd, approved 5-0.

Ralph Gallagher, Engineer, approached the Board. Last month he continued so he would have an opportunity to remove or relocate the 8' X 16' rear deck without stairs and the neighbors would have the opportunity to speak with the health department. Those neighbors are not here tonight. The applicant is asking for a 29' rear setback. After doing some research he discovered that the Board approved variances for several homes on Schermerhorn Drive. All of the variances were granted for decks having a rear setback between 20' to 31'. He is asking for a 29' rear setback for the deck. He changed the plans so that the deck will now have stairs to grade. The stairs will run alongside the house and will not encroach on any of the proposed setbacks. This is for safety reasons. The deck is 20' from the ground, if there was a fire or other emergency then the rear door could not serve as a 2nd means of egress from the main floor. He meets all of the other required setbacks. The house will fit in with the neighborhood. 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. Discussion followed if the downstairs would serve as a 2nd means of egress. The Board discussed their position on prior variances.

Joe DePaul asked for any further public comment—None Heard

Jack Michinko made a motion to enter the business session, duly 2nd, approved 5-0.

In the business session the Board discussed their position regarding development of empty lots, but a deck is not a necessity. This is a small lot slightly over 1/4 acre.

Joe DePaul made a motion to grant a variance for a rear setback to 29' the purpose of constructing a new home as previously described including a deck with stairs to grade subject to the plans as submitted and discussed. The hardship is the small lot size, the topography, and the location of the septic system, duly 2nd, approved 5-0.

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

Vinny Mancuso made a motion to bring Continued Application # 05-14 to the floor, duly 2nd, approved 5-0.

Frank Forster along with his architect, John McGuirk, approached the Board. Last month there was an advertising issue regarding the 2nd story addition. The lot is a long narrow lot that is preexisting nonconforming. 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 side setback which is 11.5'. There will be another

3' X 18' 2nd story bedroom addition with dormers which will extend out 3' over the existing house but will not increase nonconformity. There is a bump out in the basement with a roof over it. They are proposing to remove the roof and turn it into a balcony. Discussion followed the applicants will not be increasing nonconformity. The 2nd story addition will not be any higher than the existing roofline. As discussed last month 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 slope on the property and the house sits below the road. There will be no impact on the neighbors.

Joe DePaul asked for any further public comment-None Heard.

John Apple made a motion to enter the business session, duly 2nd, approved 5-0.

In the business session the Board discussed there is no increase in nonconformity. There will be no impact on the neighbors as the house sits way back from the road. The lot is oddly shaped.

Joe DePaul made a motion to grant a variance for a side setback to 11.5' and a rear setback to 32' for the purpose of constructing a one story addition, a 2nd story addition, and a 1st floor balcony, subject to the plans as submitted and discussed. The hardship is the irregular narrow lot. Further stipulating this variance does not increase nonconformity, duly 2nd, approved 5-0.

Minutes: John McKee made a motion to adopt the Minutes to the February 20, 2014 meeting as amended, duly 2nd, approved 3-0-2. John McKee and Vinny Mancuso abstained.

Application # 06-14: Kevin McIntyre, 2 Manning Street, for variances to zoning regulations for the purpose of constructing a new home.

John Apple made a motion to bring Application # 06-14 to the floor, duly 2nd, approved 5-0.

Joe Reilly approached the Board. He did not have a letter from the Town Sanitarian and will have to continue to next month. The Board agreed to hear testimony in case there were any other issues that may arise. The lot is a corner lot. The driveway and the front of the house will be on Manning Street and a 25' front variance is being requested. The side of the house will be on Wilson Street. The lot is 1/4 acre. The proposed home will be a 3 bedroom cape with a one car garage underneath. The home will be approximately 1,600sqft. There will be no deck. The proposed home will hook up with the community water system, Aquarion Water Co.. Discussion followed that a corner lot has 2 fronts and 2 sides. The Board looked for ways to move the house further away from the road. Discussion followed that he must be 25' away from the septic system and there will be a storm water management plan in the other corner of the lot. The Board reiterated the importance of the letter from the sanitarian stating the septic is in its only possible location.

John Apple made a motion to continue to the April 17 meeting, duly 2nd, approved 5-0.

Application # 07-14: Home Hearth Builders, 2 Elwell Road, for variances to zoning regulations for the purpose of converting a barn into a garage.

John McKee made a motion to bring Application # 07-14 to the floor, duly 2nd,

approved 5-0.

Wayne Skelly, Principle of Home Hearth Builders approached the Board. The barn is a historic barn dating back to the late 1800's. The property next to the barn is a historic house built in 1734 and does not have a garage. The property owners in the historic house would like to purchase this barn for the purposes of converting it into a garage. A lot line revision was made during the development of Barn Brook Estates last year. Phase 2 of Barn Brook Estates is proposing to put a road in going past the barn. The barn will now be on a corner lot and a front variance of 36.4' will be required. A lengthy discussion followed. The hardship of a corner lot is a self created hardship which does not arise from the land. The Board suggested moving the proposed road over 35' so that the barn would not require a variance. The applicant stated that during Phase 1 of Barn Brook Estates, the Town Engineer required him to make improvements to Elwell Road and those improvements dictate the location of the proposed road. The improvements also require him to move Elwell Road through the wetlands. The Board stated they wanted documentation from the Town Engineer stating that the proposed road is in the only possible location and that the required improvements to Elwell Road will take it into the wetlands. The applicant stated he did not believe the Town Engineer would write such a letter. The Board inquired if there was written documentation regarding the improvements to Elwell Road which would dictate the location of the proposed road, as they would like to review that documentation if the Town Engineer would not write a letter. The Board discussed the property with the historic house. This property has 3 acres which is enough room to add a garage. The applicants stated there are significant wetlands on this property and the location of the septic also dictates where the garage can be located.

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

Caren Carpenter, Architect, stated she lives in the historic house. Due to the significant historic value of the home and the barn, it would be in the Town's best interest to leave grant the variance as the contractor has stated he will tear the barn down before he moves the proposed road.

Discussion followed that there are 8 new proposed homes in Phase 2 of Barn Brook Estates. The developers do not want to loose a lot by moving the road over by 35'. The subdivision map was submitted into the record. The map shows that there are 11 or 12 proposed lots and not 8 as the developer indicated. All of the proposed lots are over 2 acres to meet the 2 acre minimum requirement. Joe DePaul reiterated how to move forward.

John McKee made a motion to continue to the April 17 meeting, duly 2nd, approved 5-0.

Application # 08-14: William and Carolyn Rowan, 63 Bogus Hill Road, for variances to zoning regulations for the purpose of constructing a 2nd story addition and a 2 story addition.

John Apple made a motion to bring Application # 08-14 to the floor, duly 2nd, approved -5-0.

Carolyn and William Rowan approached the Board with their architect, Caren Carpenter. They explained their plans to construct a 2 story addition and a 2nd story addition by extending the front of the house 2'. The lot is a little over 1/2 acre and is water front on Candlewood Lake. The lot is narrow and steep with ledge out croppings. Due to the

topography of the property the house is pushed way back from the road hence the front addition encroaches on the rear setback. The existing side setback of 10' 8" will not change. There will be no increase in the number of bedrooms and there will be no increase in nonconformity. There is a proposed garage, however the garage is not in front of ZBA. Discussion followed that there may be an advertising issue. The applicants are requesting a rear setback to 44' however the closest point of the front addition is 38.41' to the rear setback. The applicants stated this is what the Zoning Enforcement Officer wanted. Discussion followed a variance is always requested to the closest point.

Joe DePaul asked for any further public comment before continuing-None Heard.

John McKee made a motion to continue to the April 17 meeting, July 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:56 pm, July 2nd, approved 5-0.