

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

**MINUTES
Special Meeting
June 18, 2014**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Wednesday, June 18, 2014 in the New Fairfield Library located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Jack Michinko; Vinny Mancuso and Patrick Hearty.

ZBA members absent: John McKee.

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:03 p.m., introduced the Board Members, Secretary Laurie Busse (outgoing), and Secretary Joanne Brown (incoming). Chairman DePaul thanked Laurie Busse on behalf of the Board for a great job and 10 years of tremendous effort and hard work. He 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 add two new issues to the agenda, one being a procedural issue and one for an Executive Session to discuss legal matters, duly 2nd, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

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

Joe DePaul made a motion to bring Continued Application #07-14 to the floor, duly 2nd, approved 5-0.

Joe DePaul read an email from Wayne Skelly, Business Dev./Com. Liaison, Caldwell & Walsh Building Construction, to ZBA and Bill DiTullio on behalf of Hearth Home Builders dated June 13, 2014, stating that they withdraw their application and thanked the board for their time and consideration.

Continued Application #13-14: Oulvey, 30 Lake Drive North, for variances to zoning regulations for the purpose of constructing a 2 story addition.

John Apple made a motion to hear Application #13-14, July 2nd, approved 5-0.

A letter was read from Peter Young, agent for the owner, dated June 17, 2014 requesting an extension until the next regularly scheduled meeting.

Vinny Mancuso made a motion to continue Application #13-14, July 2nd, approved 5-0.

Application #14-14: Connolly, 6 Candlewood Knolls Road, for variances to zoning regulations for the purpose of constructing a 2nd story addition and a deck.

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

No one was present for the application.

John Apple made a motion to postpone hearing the application until later in the meeting, July 2nd, approved 5-0.

Application #15-14: Gabrielescu, 54 Ridge Road (CI), for variances to zoning regulations for the purpose of constructing a deck.

Vinny Mancuso made a motion to bring Application #15-14 to the floor, July 2nd, approved 5-0.

Mack Gabrielescu and contractor Tom Westlake came forward to the Board with new drawings and a corrected drawing. The original application showed the deck on the front of the house when it was meant to be on the rear of the house. The reason for the variance request was the long and irregular shaped lot. Mr. Westlake presented corrected copies of the survey showing a distance of 10' - 6" and 17' to the stairs. Joe DePaul asked for the distance between the stairs and the rear property line. Mr. Westlake measured 59'-7" less 20' which places the deck a distance of 39'-7" from the rear property line. Joe DePaul inquired as to what the rear setback requirement is. There was no request for a variance for a rear setback. The rear setback was ascertained to be 50 feet. Mr. Westlake was asked to draw and measure the deck on the plan. Discussion followed whether the deck was within 50 foot from the rear line. It was ascertained that the proposed deck and stairs would be into the rear yard setback.

The size of the deck and position of the stairs was modified to prevent the need for a rear yard setback. The applicant changed the plans to show a 13'x29' deck.

When the ZBA Chairman was visiting the property, it was noted that an existing shed was located on the front of the property. The Chairman stated the zoning regulations say that the shed cannot be located in the front yard. Discussion ensued. Joe DePaul stated that certain members of the board may be reluctant to grant a variance when the applicant is in obvious non-compliance with other zoning regulations. Mr. Gabrielescu stated that he did not have any other place to locate the shed. Joe DePaul suggested that the applicant agree to remove the shed from its current location so there is not an existing violation of the zoning regulations. The Zoning regulations regarding sheds were identified in the Zoning Regulations under Accessory Buildings. It was noted that 3.0.4.C Minor Accessory Buildings and Structures such as tool sheds, greenhouses, or similar small buildings and structures are permitted providing that they shall not be located between the street line and the rear plane of the principal building relative to the street. Vinny Mancuso concurred with Joe DePaul that he did not feel comfortable granting a variance when the applicant was not in compliance with zoning regulations. Joe DePaul suggested that they ask for a continuance to review with the zoning officer a conforming location to place the shed.

Vinny Mancuso motioned to continue the application to the July meeting, July 2nd, approved 5-0.

Application #14-14: Connolly, 6 Candlewood Knolls Road, for variances to zoning regulations for the purpose of constructing a 2nd story addition and a deck.

Vinny Mancuso made a motion to call back **Application #14-14**, July 2nd, approved 5-0.

No one was present to represent the applicant.

John Apple motioned not to open Application #14-14, July 2nd, approved 5-0.

John Apple made a motion to enter into the Business Session, July 2nd, approved 5-0.

Joe DePaul requested a revision to the May 15, 2014 minutes. On the last page it was noted that the applicant provided pictures which was not the case. It was to be revised as "Pictures were submitted" instead of applicant. Also there was a font change to the word Discussion which needs to be corrected.

Joe DePaul made a motion to adopt the minutes, as amended, July 2nd, approved 4-0-1. Patrick Hearty abstained because he was absent from the May 15, 2014 meeting.

Vinny Mancuso made a motion to discuss additions to the agenda regarding procedural issues, July 2nd, approved 5-0. Joe DePaul explained that the ZBA Administrator had requested that the secretary eliminate extraneous paper from our packets to save money and time. Vinny asked where our \$230 application fee went to. Secretary Laurie Busse explained that \$60 went to the state, \$70-85 advertising costs and the rest salaries and supplies. A discussion ensued regarding cost measures, certified mail, and timing. It was agreed to cut down the size of the packets.

Joe DePaul made a motion to include the agenda, minutes from previous variances on the property, ZEO Verification of Non-Compliance Letter, A2 Survey, minutes from the previous meeting and any other important information that would be deemed important by the Secretary to be included in the packets, July 2nd, approved 5-0.

Joe DePaul made a motion to take a 5 minute break, July 2nd, approved 5-0.

John Apple made a motion to enter into Executive Session at 8:20 p.m. for the purpose of discussing legal matters, July 2nd, approved 5-0.

Joe DePaul motioned to come out of Executive Session at 8:27 p.m., July 2nd, approved 5-0.

No votes were taken in the Executive Session.

Vinny Mancuso motioned to adjourn the meeting at 8:28 p.m., July 2nd, approved 5-0.