

**New Fairfield Zoning Board of Appeals**  
**New Fairfield Connecticut 06812**  
**MINUTES**  
**Meeting**  
**April 15, 2013**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Monday, April 15, 2013, in the New Fairfield Library located at 2 Brush Hill Road. Secretary Laurie Busse took the minutes.

ZBA members in attendance: Joe DePaul, Chairman, John Apple, Vice Chairman, Jack Michinko, Peter Hearty, and Alternate John McKee at 7:20pm

ZBA members absent: Vinny Mancuso

Town Officials in attendance: Tom Gormley, Interim ZEO

Chairman Joe DePaul called the meeting to order at 7:01 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. John Apple made a motion to adopt the Agenda as presented, duly 2nd, approved 4-0. Secretary Laurie Busse read the Call of the Meeting.

**Continued Application # 05-13:** Camillo M. & Gloria M. Santomero, 2 Dunham Drive, for variances to zoning regulations for the purpose of constructing a vehicle garage.

John Apple made a motion to bring Continued Application # 05-13 to the floor, duly 2nd, approved 4-0.

Peter Young, Agent for the owner approached the Board. Mr. Young explained he has addressed the Board's concerns from the prior meetings and has reduced the size of the garage. He is now proposing a one story 4 bay garage that is 70' X 40' instead of the 5 bay garage that was 90' X 40'. The garage will be 25.3' away from the rear setback which is no closer than the existing building and will not increase nonconformity. The garage will be designed to match the existing building and the side facing the road will have a brick façade and door. The proposal will be no higher than the existing building and will store vehicles used for maintaining all of the other properties that Mr. Santomero owns in town. The existing building is an office building for the secretary and record keeping. The Board discussed Mr. Young did a good job of listening to their concerns.

Joe DePaul asked for any further public comment—none heard

Peter Hearty made a motion to go into the Business Session, duly 2nd, approved 4-0.

In the Business Session the Board discussed the applicant did a good job of addressing their concerns by reducing the size of the garage, removing the requests for front and side variances, and will make the garage aesthetically appealing. There will be no increase in nonconformity. This is an undersized, odd shaped lot in a light industrial zone.

Joe DePaul made a motion to grant the variance for a rear setback of 25.3' subject to the plans as revised at tonight's meeting. The hardship is the size and shape of the lot. Further stipulating this variance does not increase nonconformity. July 2nd, approved 4-0

**Minutes:** John Apple made a motion to approve the Minutes to the March 18 meeting as presented, July 2nd, approved 5-1.

**Application # 08-13:** Michael B. & Sheri L. Dee, 21 Titicus Mountain Road, for variances to zoning regulations for the purpose of constructing a 1 ½ story garage.

Peter Hearty made a motion to bring Application # 08-13 to the floor, July 2nd, approved 5-0.

Michael Dee approached the Board and explained his proposal to construct 24' X 32' garage and workshop that will be 1 ½ stories high. The garage will be 10' away from the side setback and 36.5' away from the front setback. The garage will have electric only, no water. Mr. Dee stated there is a steep slope on his lot and wetlands in the back of the house. The proposal will make his conforming lot nonconforming. The Board discussed their position on increasing nonconformity and looked for other locations for the garage that would not require a variance. The applicant has 3.14 acres in a 2 acre zone. Mr. Dee stated that if the garage was in another location it would either encroach on the reserve septic area or he would have to construct a retaining wall due to the slope and wetlands. Mr. Dee indicated his entire rear yard is wet although the A2 survey shows the wetlands are toward the end of his property. Tom Gormley, Interim ZEO stated he explained the zoning regulations with Mr. Dee in detail prior to Mr. Dee obtaining the A2 survey and starting the process for his ZBA application.

Joe DePaul explained how to move forward with the application. Mr. Dee stated he will continue to the May 16 meeting.

John McKee made a motion to continue the application to the May 16, meeting, July 2nd, approved 5-0.

**Application # 09-13:** Iris E. Rainone, 5 Shermerhorn Drive, for variances to zoning regulations for the purpose of constructing a 2<sup>nd</sup> story addition

John McKee made a motion to bring Application # 09-13 to the floor, July 2nd, approved 5-0.

Iris Rainone, Gary Mummert, and their architect Stacey Keeney approached the Board. Ms. Keeney explained their plans to construct a 30' X 25' 2<sup>nd</sup> story over a portion of the existing home. The median height will be 28' with solar panels on the roof. The solar panels will lay as flat on the roof as they can get them so as not to increase the height of the home and not be visible from the road. There will be an addition of a new foyer which is outside of ZBA's jurisdiction. The applicant has 0.87 acres. This is a very odd shaped lot and the rear setback jogs back and forth. Discussion followed the existing rear setback is 36.4', and the applicants are asking for a 35' setback, which will increase nonconformity. The applicants stated that was a safety net for the gutters on the new roof. The Board discussed their position on increasing nonconformity. The applicants will request a 36' rear setback.

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 this is a very oddly shaped lot, and there will be a de minimus increase in nonconformity.

Joe DePaul made a motion to grant a variance for a rear setback to 36' subject to the plans as revised and submitted. The hardship is the size and shape of the lot, duly 2nd, approved 5-0.

**Application # 10-13:** Janet M. Vojt and Georgianne Ingraham, 13 East Lane for variances to zoning regulations for the purpose of constructing a 2<sup>nd</sup> story addition.

John Apple made a motion to bring Application # 10-13 to the floor, duly 2nd, approved 4-0.

Peter Young, Agent for the owner approached the Board. Mr. Young explained the house has already been torn down because during last October's snow storm a tree fell on the home. Due to the hazardous conditions and concern for public safety the Building Official ordered the house to be torn down. Pictures were submitted into the record. The house that was demolished was a single story home. The proposed new home will stay within the existing footprint of the old home. There will be no increase to the height of the home; however shed dormers will be added to the front and back of the house. The porch will be the same as the existing prior to the storm. Tom Gormley stated he went over the plans with Mr. Young and does not have any issues with the proposal.

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 will be no increase in the height of the home, there will be no increase in nonconformity, and there will be no impact on the neighbors.

Joe DePaul made a motion to grant a variance for a side setback of 17.9' and a rear setback to 15.5' for the purpose of reconstructing the home with dormers, subject to the plans as submitted. The hardship is the size and shape of the lot. Further stipulating this variance does not increase nonconformity. Duly 2nd, approved 5-0.

Joe DePaul made a motion to adjourn at 8:12pm, duly 2nd, approved 5-0.