

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

**MINUTES**

**Meeting  
December 19, 2013**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Thursday, December 19, 2013, in the New Fairfield Library located at 4 Brush Hill Drive. 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 7:01 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. Vinny Mancuso made a motion to adopt the Agenda as presented, duly 2nd, approved 5-0. Secretary Laurie Busse read the Call of the Meeting.

**Continued Application # 36-13:** John and Rebecca Castelhana, 41 Knollcrest Road for variances to zoning regulations for the purpose of constructing an addition.

John Apple made a motion to bring Continued Application # 36-13 to the floor, duly 2nd, approved 5-0.

Becky Castelhana approached the Board. At last month's meeting the applicants were going to look for ways to reduce nonconformity and speak with the ZEO, Tom Gormley to see if their lot was considered a corner lot. A map of the subdivision was submitted showing Knollcrest Road and a road entitled "Private Road" which has 8 houses located on it. Mrs. Castelhana spoke briefly with Tom Gormley who suggested that she ask ZBA their opinion if her property was located on a corner lot. Discussion followed if the property is considered to be located on a corner lot, then a variance will not be required. The Board discussed it is the ZEO who must make this ruling as it is outside of the ZBA's jurisdiction. A copy of the deed indicating specific setbacks was briefly discussed.

John Apple made a motion to continue to the January 23, 2014 meeting in order to allow for clarification as to whether or not the "Private Road is considered a road or an access way, duly 2nd, approved 5-0.

**Application # 37-13:** Tamara Muscarell, 5 Fair Lane, for variances to zoning regulations for the purpose of constructing a front porch with stairs to grade.

Vinny Mancuso made a motion to bring Application # 37-13 to the floor, duly 2nd, approved 5-0.

Tamara Muscarrell and Jerry Cymbalisky approached the Board and explained their plans to construct a 12' X 9' front porch with stairs to grade. Currently the front door is about 3' off the ground and has 5 or 6 temporary steps going from the front door to the ground which is in violation of the building code. The house used to have a 5' X 10' front porch with stairs to grade. About 4 years ago the prior owner removed the porch and stairs because they were deteriorating and never rebuilt them. The Board asked if there was any documentation regarding the prior front porch such as pictures or the Tax Assessor's field card. The applicants did not have this, stating the Land Use file had information regarding this porch. The Board would like to see some form of documentation and discussed that although there would be an increase in nonconformity it would be no more than what was originally there. The requested 12' X 9' front porch would increase nonconformity more than the original porch. The Board discussed their position on increasing nonconformity. Joe DePaul explained how to move forward. The applicants stated they would like to continue to the January meeting.

Vinny Mancuso made a motion to continue the application to the January 23, 2014 meeting, duly 2<sup>nd</sup>, approved 5-0.

**Application # 38-13:** Marguerite and Donald Connor, 3 Ridge Road (CI) for variances to zoning regulations for the purpose of varying a previously approved variance for installing a bay window.

John Apple made a motion to bring Application # 38-13 to the floor, duly 2nd, approved 5-0.

Steven Dee, contractor, approached the Board. A letter of authorization is required and the Board will hear the case, but a variance will not be issued unless a signed authorization letter is received. Mr. Dee explained on July 20, 2000 the Board approved Variance # 29-00 for a larger bow window 22' from the front setback. The home owners are now going to replace the last original window with a smaller bay window which will not exceed the existing roof overhangs which are 30'; from the front setback. Discussion followed as to why a 28' front setback was requested. Mr. Dee is comfortable if the variance is granted to 30' from the front setback. This application will not increase nonconformity.

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 prior Variance # 29-00 was for a front setback to 22' and this variance is for a setback to 30', which is a decrease in nonconformity.

Joe DePaul made a motion to grant a variance for a front setback to 30' subject to the plans as submitted and revised with the Zoning Board of Appeals. The hardship is the odd shaped lot; further stipulating this variance does not increase nonconformity, but rather reduces nonconformity duly 2nd, approved 5-0.

**Minutes:** John Apple made a motion to approve the Minutes to the November 21, 2013 meeting as amended, duly 2nd, approved 4-0-1. John McKee abstained.

**Application # 39-13:** Stanley and Suzanne Berrie, 3 Candlewood Road, for variances to zoning regulations for the purpose of constructing a screened in porch, a 2<sup>nd</sup> story, a 2 story garage addition, and a car port.

Vinny Mancuso made a motion to bring Application # 39-13 to the floor, July 2nd, approved 5-0.

Doug MacMillan approached the Board. He explained he would like this application to be heard in two parts. The first part is for the screened in porch, garage and 2<sup>nd</sup> story additions and the other part is for the 14' X 20' car port. The lot is 1.4 acres and is very long and narrow. Due to the slope and septic system the existing house sits close to the road. The 2 story garage addition will be 27' x 22 ½' and will be located on the right side of the house. The screened in porch addition will be on the left side of the home. The existing side setback is 30' and this proposal will reduce the setback to 15'. The existing front setback is 31.3' and the proposed front setback is 29'. The existing roof height is 20' and the proposed roof height will be 35'. The existing home is 2,300sqft and the proposed additions will bring the home up to 4,000sqft. Due to the slope the house sits down from the road. This proposal significantly increases nonconformity. The Board stated their position on increasing nonconformity and looked for ways to reduce the proposed increase in nonconformity by locating the additions to the left of the home or in the rear of the home and by pushing the 2<sup>nd</sup> story back to 40' so that a variance will not be required. Additionally the Board had concerns the height of the home may interfere with the neighbors' views.

Joe DePaul asked for any public comment—as follows:

Nicholas Nutley, 8 Candlewood Lake Road: Stated he lives across the street and was never notified of this proposal. Additionally when he went to town hall to view the files, he was told that the plans were not available. His greatest concern is that the proposed height will block his view of Candlewood Lake. The existing house already partially blocks his view. If the height of the home increases by 15' his view of the Lake will be totally blocked.

Camille Sage, 6 Candlewood Lake Road: Stated she lives directly across the street and the proposed 15' height increase will block her views of Candlewood Lake. Her taxes are assessed on a lake view. She also was never notified and only saw the Legal Notice in the paper.

The Board stated they will take note of the neighbors' concerns and explained how to move forward with the application. Doug MacMillan stated he will continue to the January meeting, and if he decides to withdraw before then he will let us know.

Vinny Mancuso made a motion to continue the application to the January 23, 2014 meeting, July 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:15pm, July 2nd, approved 5-0.