

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
January 17, 2013**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Thursday, January 17, 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 Vinny Mancuso.

ZBA members absent: Alternate John McKee

Town Officials in attendance: Tom Gormley, Interim ZEO

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. Joe DePaul asked if there were any additions or corrections to the Agenda—None Heard. John Apple 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 # 32-12: Kim and Steve Mayhew, 31 Deer Run, for variances to zoning regulations for the purpose of constructing a 2nd story addition and a 2 story addition.

Vinny Mancuso made a motion to bring Continued Application # 32-12 to the floor, duly 2nd, approved 5-0.

Kim and Steve Mayhew along with their architect Jeff Burman approached the Board. They would like to respond to the Board's concerns and comments from last month and have submitted new plans. This is an irregular shaped lot with a lot of ledge and a steep slope. The proposed 2nd story addition over the existing home will remain the same. They have pulled the 2 story garage addition back so they are no longer encroaching on the front setback. The new front setback will be 40.1'. The rear setback for the 2 story addition is 37'; the existing house is 16.6' from the rear setback so there is no increase in nonconformity. The overhangs from the 2nd story addition will not go any closer to the existing side setback of 16.7'. The 2 story garage addition will be 20.1' from the other side setback. The Board explained the setback is from the closest point, including overhangs, and the applicants stated they will be sure not to exceed the 20' side setback. Discussion followed, the applicants did a good job of addressing the Board's concerns.

Joe DePaul read a letter into the meeting dated January 10, 2013 from Mr. & Mrs. Schulte of 33 Deer Run who were in favor of the revised plans.

Joe DePaul read a letter dated January 14, 2013 from Dan Byrne who lives at 20 Deer Run who is opposed to the project, noting he would be in favor of only a garage addition if it met setbacks.

The applicants stated they had walked the property and worked closely with Brian Wood from 1st Light as well as Tim Simpkins, Director of Health, and Mike McCarthy, Town Sanitarian in regards to the location of the new septic system.

Tom Gormley stated he visited the site with Mike McCarthy and Tim Simpkins earlier in the day. The garage across the street is a separate piece of property and is not in front of ZBA.

The Board discussed there is no increase in nonconformity and the impervious surface coverage has been reduced to less than 20%. The addition will be about 1,600 sqft. The 20' X 20' garage will have 2 stories; the upper story will have a laundry room and a den.

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 the applicants did a great job of addressing their concerns from last month. There will be no increase in nonconformity, the request for a variance for the front setback has been eliminated and impervious surface coverage has been reduced. The lot is on a steep slope with ledge.

Joe DePaul made a motion to grant a variance for a side setback to 16.7' and a rear setback to 16.6' for the purpose of constructing a 2nd story addition and a 2 story garage addition, subject to the revised plans as submitted further stipulating the varied setbacks already exist. The hardship is the shape, slope and ledge, duly 2nd, approved 5-0.

Minutes: Joe DePaul made a motion to approve the Minutes to the December 18, 2012 meeting as amended, duly 2nd, approved 5-0.

Business Session: Last month the Board went into an Executive Session to discuss the Caperton matter for the property located at 50 Route 39 and the vote needs to be on record. Joe DePaul made a motion to approve the settlement and stipulated judgment as outlined and authorize Attorney Robert A. Fuller as special counsel in this case to agree to and sign the stipulated judgment, duly 2nd, approved 5-0.

Joe DePaul made a motion to adjourn the meeting at 7:50pm, duly 2nd, approved 5-0.