

New Fairfield Zoning Board of Appeals
New Fairfield, CT 06812
Meeting Minutes
July 18, 2013

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 PM on Thursday, July 18, 2013, in the New Fairfield Library located at 2 Brush Hill Rd. ZBA Administrator Norman Geisinger took the minutes.

ZBA members in attendance: Joe DePaul, Chairman, John Apple, Vice Chairman, Jack Michinko, Peter Hearty, John McKee

ZBA Member Absent: Vinny Mancuso

Town Officials in attendance: None

Chairman Joe DePaul called the meeting to order at 7:02 PM and introduced the Board members. Joe DePaul explained the meeting process/procedures, voting, recusal, applicants' and public's remedies to a board decision, and filing procedures. Acting Secretary N. Geisinger read the Agenda. J. DePaul noted there is no application 20-13 on the published agenda. That application was withdrawn prior to the agenda's publication. Motion made and duly 2nd to accept the agenda, approved 5-0.

N. Geisinger read the call of the meeting.

Continued Application #13-13: Medina, 4 Flak Lane, for variances to zoning regulations for the purpose of constructing a 2 story garage with living space above, enclosing the side porch and constructing a rear deck.

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

Mr. & Mrs. Medina along with their architect John McGuirk approached the board. J. McGuirk summarized the application's requests and discussions presented at the ZBA meeting held on May 16, 2013. Note: Board members had a copy of the minutes for that meeting. J. McGuirk explained that they had reconfigured the house plans which reduced the requested side variance from a side setback of 12' to 16'. The requested front setback remained at 23.7' as per the original plans. The plans were reviewed and explained by J. McGuirk. Board members asked for clarification of the house plans and the shed. The applicants' had also obtained letters from all abutting neighbors, in their words, which supported the applicants plans for the property. These were requested at the May ZBA meeting. J. DePaul read these letters into the record and copies were placed in the case file. A copy of the new house plans were also placed in the case file.

J. DePaul asked for questions or comments from the public...none heard. J. DePaul asked if there were any other final comments by the applicants or architect...they had none.

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

In the business session the Board discussed the revised house plans, reduction in variance needed, & slope of/ledge on the property. J. DePaul made a motion to grant a variance for a front setback of 23.7' and a side setback of 16' subject to the plans as submitted. The hardship being the slope of the land and the ledge rock present at the site, July 2nd, approved 5-0.

Remaining in the business session, the Board approved the minutes for the May 16, 2013 and June 20, 2013 meetings.

Application #17-13: Lobeck, 12 Mountain View Rd, for variances to zoning regulations for the purpose of constructing a shed.

Motion made by J. Apple to bring application #17-13 to the floor, July 2nd, approved 5-0.

Mr. Lobeck approached the board. Mr. Lobeck explained that they wish to construct a 10'x10' shed on the property. Survey, plans, & property photos were presented and reviewed with the board. The rear of the property had a steep slope. The shed will have a concrete slab and piers. An exterior oil tank currently on the property will be enclosed in the shed.

J. DePaul asked for questions or comments from the public...none heard. J. DePaul asked applicant for any final comments...none.

P. Hearty made a motion to move to the business session, July 2nd, approved 5-0.

The Board discussed the merits of the application and plans along with the photos. The rear yard slope was an issue. J. DePaul made a motion to grant the requested variance, the hardship being the slope of land, subject to the plans as submitted, July 2nd, approved 5-0

Application #18-13: Monsky, 12 Arden Ave. for variances to zoning regulations for the purpose of building a shed.

J. Apple made a motion to bring Application #18-13 to the floor, July 2nd, approved 5-0.

Ms. Monsky approached the board. B. Monsky explained that the variance was needed to build an 8'X10' shed on her property because it is a corner lot with two fronts and the shed would have to be placed in the front yard area. It will be built on a gravel base. Per applicant, it will be 15' from the property line well outside the 10' setback zoning regulation for sheds.

J DePaul asked if there were any questions or comments from the public...none heard. He also asked the applicant if she had any other comments for the board...she had none.

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

The Board discussed the proposal and the fact that this property has two fronts and no back yard based on zoning regulations, resulting in the shed being placed in the front yard. Also, the shed is within the building envelop for that type of structure.

J. DePaul made a motion to approve the variance request for an 8'x10' shed as shown on the drawings submitted. The hardship it is a corner property with no backyard and two fronts, duly 2nd, approved 5-0.

Application #19-13: A.Meyer, 11 Pickett Rd, for variances to zoning regulations for the purpose of constructing a porch over the front door.

J. Apple made a motion to bring Application #19-13 to the floor, duly 2nd, approved 5-0

Anton Meyer approached the Board. He explained that he wanted to put a roof over his front door to give added protection from the weather. It will be within the current front setback & building footprint. It will not increase the existing non-conformity of the property. Per applicant, the front set back will be 32' to the top of stairs per the plan.

J. DePaul asked if there were any questions or comments from the public...none heard. He asked if the applicant wanted to add any final comments...none.

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

Board members discussed the proposal and plans. Plus, noted fact that it will not create any additional non-conformity to the existing structure & property.

J. DePaul made a motion to grant the variance to a front setback of 32' per the plans as submitted with a hardship being the odd shape of the lot, duly 2nd, approved 5-0.

Application #21-13: Grasso, 54 Bigelow Rd, for variances to zoning regulations for the purpose of constructing a garage and front porch.

J. Apple made a motion to bring application #21-13 to the floor, duly 2nd, approved 5-0.

Christan Busnel of BBS Design, agent for the owners, reviewed the proposal, plans and survey for the board members. His clients are requesting a variance for a new front setback at 61'. The current front setback for the home is 75'...within the zoning regulations' building envelope. The hardship being the large amount of ledge & rock to the rear and side of the building. To build in those areas would result in a major cost increase for construction. Board members observed that granting this variance request would result in a conforming property becoming non-conforming. Board members had concerns about that fact. Board members felt given the amount of property available and the non-conforming issue the owners may want to revisit their plans before the board went into the business session and voted. J. DePaul explained the options available to D. Busnel. D. Busnel, agent, elected to continue the application to the next meeting. He signed the form granting ZBA a 35 day extension to close the public session.

J. Apple made a motion the continue this application, duly 2nd, approved 5-0

Application #22-13: Mancuso, 93 Ball Pond Rd, for variances to zoning regulations for the purpose of constructing a 2nd story addition over part of the home.

J. Apple made a motion to bring application #22-13 to the floor, duly 2nd, approved 5-0.
(Note: Vinny Mancuso, ZBA member, was not present for the presentation, board discussion or vote on this application).

Mrs. Mancuso approached the Board. She reviewed the proposed plans for the board members and requested a variance for a front setback to 31'. This is vertical expansion only and will not increase the property's existing non-conformity. It will stay within the existing house footprint. She noted that this is a corner lot and is deemed to have two fronts.

J. DePaul asked if the public had any questions or comments...none heard.

J. Apple made a motion to move this application to the business session, July 2nd, approved 5-0.

Board members discussed the proposed plans. Noted that this is a corner lot with two fronts and no increase in non-conformity will be created by this addition to the house.

J. DePaul made a motion to grant this variance application for a front setback to 31' as per the plans submitted. Hardship being the corner lot situation resulting from having two fronts. Also, this is a vertical expansion with no increase in non-conformity. Motion July 2nd and approved 5-0.

J. Apple made a motion to adjourn at 8:08 PM, July 2nd, approved 5-0