

**New Fairfield Zoning Board of Appeals**  
**New Fairfield Connecticut 06812**  
**MINUTES**  
**Meeting**  
**March 18, 2013**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Monday, March 18, 2013, in the New Fairfield Community Room located at 33 Route 37. 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: None

Chairman Joe DePaul called the meeting to order at 7:00 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 # 01-13:** Cherick Designs LLC, 15 Lavelle Ave, for variances to zoning regulations for the purpose of constructing a 2 story addition, a 2<sup>nd</sup> story addition and two rear decks.

John Apple made a motion to bring Continued Application # 01-13 to the floor, duly 2nd, approved 5-0.

Patrick Reilly and Cheryl Finlay approached the Board. They recapped on last month's meeting. They will change the proposed tiered decks from 12 ½' X 27' to a 6' wide rear cat walk extending along the line of the house over to a 16' X 16' side deck with steps to grade. The steps will face the front of the property. The deck will be even with the rear line of the house so as not to increase nonconformity. The cat walk will increase nonconformity by 6'. The rear setback will change from 26.6' to 20.6'. A lengthy discussion followed regarding the Board's position on increasing nonconformity. The Board discussed removing the cat walk from the plans and although the side deck would encroach on the rear setback, it would not increase nonconformity. The applicants were not willing to do this since the master bedroom will be located on the side of the house. There is a steep slope on the property that prohibits the deck from being pushed further away from the rear setback. The Board discussed last month a variance was granted for a vertical expansion and relocating the bedrooms upstairs thus having the kitchen and dining areas by the deck. The applicants stated they changed their minds and did not want to move forward with the vertical expansion. The Board stated a variance runs with the property forever and that any future owner can construct a 2<sup>nd</sup> story per the plans submitted to ZBA last month.

Joe DePaul asked for any further public comment—none heard.

John Apple made a motion to enter the Business Session, duly 2<sup>nd</sup>, approved, 5-0.

In the Business Session the Board discussed the cat walk will increase nonconformity by 6'. There is a steep slope on the property, however it is possible to construct a deck without increasing nonconformity.

Joe DePaul made a motion to grant a rear setback to 20.6' for the purpose of constructing two tiered cat walks and a two tiered decks subject to the plans as submitted. The hardship is the slope and size of the lot, duly 2<sup>nd</sup>, denied 0-5.

**Minutes:** Vinny Mancuso made a motion to approve the Minutes to the February 21, 2013 meeting as presented, duly 2<sup>nd</sup>, approved 4-0-1. John Apple abstained

**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.

Peter Hearty made a motion to bring Continued Application # 05-13 to the floor, duly 2<sup>nd</sup>, approved 5-0.

Peter Young, Agent for the owner approached the Board. Last month the Board discussed their concerns on the 25' front setback. He has since changed his plans so the front setback will be 78.9', and the rear setback will be 25'. The 5 bay garage will be 40' X 90' and used for storing maintenance vehicles and equipment such as snow plows. The building will be 14' high. There is an existing building on the property that is almost the same size as the garage. This building is 25.3' away from the rear setback so the proposed garage will not increase nonconformity. An email from the neighbor Mr. Hicks was read into the meeting. Mr. Hicks indicated that he has no problems with the location of the proposed garage so long as its use remains strictly for storing vehicles. A lengthy discussion followed on the Board's concerns that although the property is zoned Light Industrial it abuts a residential property. The property is a flag shaped, one acre parcel in a three acre zone. Mr. Young stated 20' is required in front of the garage for adequate parking and turning around. The existing building has a loading dock that he will rearrange so as to have the required 20' in front of the bays.

Joe DePaul asked for any further public comment—none heard

John Apple made a motion to go into the Business Session, duly 2<sup>nd</sup>, approved 5-0.

In the Business Session a lengthy discussion followed this is a Light Industrial Zone as well as the Board's concerns on the size of the building abutting a residential property and that perhaps the building is too big for the lot especially since there is another building already on the property. The building would look better in the back of the property than in the front. The proposed new location will not increase nonconformity. Some of the Board members stated they would like more time to think about this. It was decided that if there were any members of the Board who would like to hold off on voting, then that is what would be done.

Joe DePaul made a motion to hold off on the vote until next month. The application will be put back into the public session, duly 2<sup>nd</sup>, approved 3-2. John Apple, Peter Hearty, and Vinny Mancuso voted to vote tonight. Joe DePaul and Jack Michinko voted to hold off.

Vinny Mancuso made a motion to go back into the public session, duly 2nd, approved 5-0.  
Joe DePaul made a motion to continue to the April 15 meeting, duly 2nd, approved 5-0.  
**Application # 06-13:** Volpe, 12 Fair Lane, for variances to zoning regulations for the purpose of varying a previously approved variance.

Peter Hearty made a motion to bring Application # 06-13 to the floor, duly 2nd, approved 5-0.

James Volpe approached the Board and explained last month he was here to revise Variance #41-02 because the side setback was not correct and it was discovered that the stairs to the front deck were never included in the variance when perhaps they should have been. The bottom step is 36.2' from the front setback, noting that is outside of the zoning regulations. Discussion followed this was an oversight from 2002 and should have been included in the variance all along.

Joe DePaul asked for any further public comment—none heard.

Vinny Mancuso made a motion to enter the Business Session, duly 2nd, approved 5-0.

In the Business Session the Board discussed that the stairs were always in the plans submitted and were somehow overlooked. The deck cannot be extended to 36.2' as the variance will stipulate per construction already in place.

Joe DePaul made a motion to grant a variance for a front setback to 36.2' for stairs for the purpose of varying Variance #41-02, not subject to the plans as submitted, but rather construction already in place to legalize what was already granted 10 years ago. The hardship is incorporated from the prior Variance # 41-02 and the small lot size, duly 2nd, approved 5-0.

**Application # 07-13:** Donatella Arpaia and Allan Stewart, 24 Sunset Drive, for variances to zoning regulations for the purpose of constructing/legalizing a front addition and expanding the attached garage.

Peter Hearty made a motion to bring Application # 07-13 to the floor, duly 2nd, approved 5-0.

John Denise and Ed Silvestri agents for the property owners approached the Board. They will submit a letter of authorization from the property owner before any action is taken. The house was built in 1968 and the 440 Contour Line went through part of the house before the prior owners purchased that portion from the then present owner CL&P. They explained their plans to construct a single story addition on the home and garage by squaring off the front and side of the existing home. The odd shape of the lot is dictated by the 440 Contour Line and there is a steep slope on the property. The addition is 24' from the 440 Contour Line. Discussion followed part of the rear deck is only half a foot from the 440 Contour Line and the house is well within the front and side setbacks. Variance # 30-83 for the existing garage was discussed. There is slope and ledge on the lot.

Joe DePaul asked for any further public comment—none heard.

Vinny Mancuso 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 nonconformity. The hardship is the odd shaped lot and ledge.

Joe DePaul made a motion to grant a variance for a rear setback to 21' subject to the plans as submitted with the stipulation the letter of authorization will be submitted. The hardship is the topography and shape of the lot, duly 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn at 8:30pm, duly 2nd, approved 5-0.