

**New Fairfield Zoning Board of Appeals**  
**New Fairfield Connecticut 06812**  
**REVISED MINUTES**  
**Meeting**  
**December 18, 2012**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Tuesday, December 18, 2012, 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: None

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. Peter Hearty made a motion to adopt the Agenda as presented, duly 2nd, approved 5-0. Secretary Laurie Busse read the Call of the Meeting.

**Application # 32-12:** Kim and Steve Mayhew, 31 Deer Run, for variances to zoning regulations for the purpose of constructing a 2<sup>nd</sup> story addition and a 2 story addition.

John Apple made a motion to bring Application # 32-12 to the floor, duly 2nd, approved 5-0

Steve Mayhew and Jeff Burman, Architect approached the Board. They discussed their proposal to go straight up over the existing home and then extend the home with a two story addition and a 2 story garage addition. The 2 story garage addition will be 21' away from the front setback. The existing front setback is 50.1'. The requested side setback of 16.7' and the requested rear setback of 16.6' are existing. The Board discussed their position on increasing nonconformity. Mr. Burman believed he was not in violation of the front setback. The definition of "Front Setback" was read into the meeting. Mr. Burman indicated this was not his understanding and after some discussion read the definition of "Front Yard" into the meeting. The Board discussed that these are two separate definitions. For example you can't store a boat in your front yard, would fall under the "Front Yard" definition, and your addition cannot encroach on the required 40' front setback would fall under the "Front Setback" definition. The applicants did not agree with the Board's interpretation. The Board discussed the applicants were the ones who completed the application with the setback information and by requesting a variance they are in agreement with the Zoning Enforcement Officer (ZEO) that they are in violation of the zoning regulations. The Board looked for ways to eliminate the 30' increase in nonconformity by moving the addition back to be in line with the existing home or limiting the proposal to a vertical expansion over the existing home. The applicants indicated these ideas were not feasible. The applicants discussed the steep slope and odd shape of the lot.

Jim Robertson who lives at 27 Deer Run had submitted a letter dated December 17, 2012 and pictures of the property and surrounding areas. Mr. Robertson is opposed to the project because the Mayhew's already have a garage across the street, they started construction 18 months ago on drainage that has not been completed and the pipes and ditch are still in the road. He is afraid that a project on a much larger scale would never be completed. Discussion followed, the existing garage is across the street and the property is owned by First Light. The Mayhew's have an easement with Candlewood Isle Association to utilize the garage. This property is not included in the project and is outside the ZBA's jurisdiction. The applicants explained the pipes that are sticking up out of the road are there because he was originally going to put his septic system across the street; however they ended up not doing that. The dip in the road is where they had to dig up the road to allow the pipes to come out. Discussion followed. Joe DePaul explained how to move forward with the application. The applicants requested a 5 minute break to discuss their options.

Peter Hearty made a motion to take a 5 minute break at 7:43pm, duly 2nd, approved 5-0. Vinny Mancuso made a motion to come back from the break at 7:47pm, duly 2nd, approved 5-0.

The applicants requested to continue to the January 17, 2013 meeting. Peter Hearty made a motion to continue the application to the January 17 meeting, duly 2nd, approved 5-0.

**Application # 33-12:** Sandra L. Cucci, 46 Ridge Road, for variances to zoning regulations for the purpose of enlarging a detached garage by constructing an addition and a 2<sup>nd</sup> story addition.

Vinny Mancuso made a motion to bring Application # 33-12 to the floor, duly 2nd, approved 5-0.

Robert Cucci and his contractor Tom Westlake approached the Board. They explained their plans to square off the front corner of the garage and go straight up and put a 2<sup>nd</sup> story on the garage. The pitch of the roof will be steep and the squared off section will be about a story and a half while the peak of the roof will be about 12' higher than the existing garage. The new height of the home will be 24' 10". The existing front setback of 18' 8" will be decreased to 17' 3" because an overhang will be constructed over the garage doors. This increases nonconformity. The proposed 2<sup>nd</sup> story will be used for storage and will not have heat or plumbing. The Board discussed their position on increasing nonconformity as well as their concerns for the height of the garage. The Board suggested reducing the height of the garage and reducing the size of the overhangs. The applicants discussed this was not feasible.

Joe DePaul asked for any further public comment.

Cindy Taylor, 44 Ridge Road approached the Board and submitted a letter dated December 13, 2012, which she had earlier submitted to the Land Use Department. Ms. Taylor stated she was opposed to the project as the garage is 11' away from her property line and the height of the garage will block her views. Ms. Taylor explained that the home just had a 2<sup>nd</sup> story addition put on which is blocking her views and since that was outside of the ZBA's jurisdiction she was not able to object. Ms. Taylor explained her home is closer to the road than the Cucci's and currently when she looks out her window she can see over the garage and over to the lake. If the height of the garage is increased to almost 25' and it is 11' away

from her property line she feels that all she will see is the garage. Discussion followed on the height of the garage and the increase in nonconformity.

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

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

In the Business Session the Board discussed the increase in nonconformity and their concerns over the height of the garage as well as the neighbors are opposing the project.

Joe DePaul made a motion to grant a variance for a front setback of 17' 3" and a side setback to 11' 2" for the purpose of constructing an addition to square off the garage and a 2<sup>nd</sup> story addition, subject to the plans submitted. The hardship is the unusual shape and slope of the lot, duly 2nd, denied 2-3. Joe DePaul, Peter Hearty, and Jack Michinko were opposed to the variance. John Apple and Vinny Mancuso were in favor of the application.

**Minutes:** John Apple made a motion to approve the Minutes to the November 15, 2012 meeting as presented, duly 2nd, approved 5-0.

**Executive Session:** Joe DePaul made a motion to enter the Executive Session at 8:27pm for the purpose of discussing legal matters, duly 2nd, approved 5-0. Joe DePaul made a motion to exit the Executive Session at 8:34pm, duly 2nd, approved 5-0.

Joe DePaul made a motion to adjourn the meeting at 8:35pm, duly 2nd, approved 5-0.