

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
March 19, 2012**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm on Monday, March 19, 2012, in the New Fairfield Community Room located above the Senior Center at 33 Route 37. Secretary Laurie Busse took the minutes.

ZBA members in attendance: Joe DePaul, Chairman, John Apple, Vice Chairman, Peter Hearty, and Vinny Mancuso.

ZBA members absent: Jack Michinko and Alternate John McKee.

Town Officials in attendance: None

Chairman Joe DePaul called the meeting to order at 7:03 pm, introduced the board members, and explained the meeting process and voting procedures of a 4 member board. Joe DePaul gave the definition of a recusal.

Secretary Laurie Busse read the proposed agenda. Joe DePaul asked if there were any changes or amendments to the Agenda—None Heard. Vinny Mancuso made a motion to adopt the Agenda as read, duly 2nd, approved 4-0. Secretary Laurie Busse read the Call of the Meeting.

Continued Application # 05-12: David Lee, 134 Lake Drive North, for variances to zoning regulations for the purpose of constructing a two story addition, a 2nd story addition, and a deck.

John Apple made a motion to bring Continued Application # 05-12 to the floor, duly 2nd, approved 4-0.

David Lee and his attorney Robyn Kahn approached the Board. Last month they continued the application due to an advertising issue. Attorney Kahn stated they would like to change the side setback from 1.32' to 6.76' so that the deck will be no closer to the side setback than the existing garage. The new maximum ridge height is 26' 6". The house sits at the bottom of a slope and the neighbors across the street will not be impacted by the 2nd story. At last month's meeting a letter in favor of the project was submitted from the neighbor who will be most effected by the addition. The Board discussed at last month's meeting the applicants indicated they could not construct the addition on the other side of the home due to the slope and the location of the septic system. There is a 2nd story addition going above the existing home, however since it is within the setbacks it is not within the ZBA's jurisdiction.

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

John Apple made a motion to enter the business session duly 2nd, approved 4-0

In the business session the board discussed the two-story addition and deck do not increase nonconformity and there is no impact on the neighbors. Expansion on the other side of the home is not possible due ledge and slope.

Joe DePaul made a motion to grant the variance for a side setback to 6.76' subject to the plans submitted, with the exception that the construction does not come any closer to the side setback than the existing garage. The hardship is the slope and shape of the lot duly 2nd, approved 4-0.

Minutes: Joe DePaul stated that a correction needs to be made to Application # 03-12. Peter Hearty made a motion to adopt the Minutes to the February 16, 2012 meeting as amended, duly 2nd, approved 3-0-1. John Apple abstained.

Application # 07-12: John Dietrich, 14 Bay Drive, for variances to zoning regulations for the purpose of reconfiguring the driveway.

Peter Hearty made a motion to bring Application # 07-12 to the floor, duly 2nd, approved 4-0.

Angela Dietrich and Mark Kornhaas approached the Board. They submitted the green signature cards signed by adjacent property owners. The Board inquired if they had the green and white stubs from the certified mail letters that indicate the date the letters to the adjacent property owners were sent out. The applicants did not have this and Mrs. Dietrich tried to call her husband to see if he had the stubs but was not able to reach him. Joe DePaul explained the zoning regulations indicate we may need this information and explained how to move forward with the application. The applicants requested a continuance until the April 19 meeting.

Vinny Mancuso made a motion to continue the application to the April 19 meeting duly 2nd, approved 4-0.

Application # 08-12: Kim Wiede, 24 Ridge Road, for variances to zoning regulations for the purpose of constructing a 2nd story addition, a covered front entry way, and convert a screened porch into living space.

Vinny Mancuso made a motion to bring Application # 08-12 to the floor, duly 2nd, approved 4-0.

Tammy Zinick, agent for the property owners approached the Board and submitted the green and white stubs from the certified letters to the adjacent property owners. The green and white stubs from the certified letters had a date of March 13 2012 stamped on them. The zoning regulations state the certified mail letters to the adjacent property owners must be mailed out at least 10 days prior to the meeting date. Since this requirement was not met, the chairman explained how to move forward. Tammy Zinick stated she would like to continue the application to the April 19 meeting. Joe DePaul will get confirmation to see if new letters must be sent out.

Vinny Mancuso made a motion to continue the application to the April 19 meeting duly 2nd, approved 4-0.

Application # 09-12: Thomas Riggs, 36 Ridge Road, for variances to zoning regulations for the purpose of constructing a 2nd story addition and a 3rd story attic addition with a balcony.

Vinny Mancuso made a motion to bring Application # 09-12 to the floor, duly 2nd, approved 4-0.

Thomas Riggs approached the board and stated he did not have the green and white stubs from the certified mail letters and would like to continue his application to the April 19 meeting.

Vinny Mancuso made a motion to continue the application to the April 19 meeting duly 2nd, approved 4-0.

Application # 10-12: Dorothy Mann, 6 Meadow Avenue, for variances to zoning regulations for the purpose of enclosing an open deck.

Peter Hearty made a motion to bring Application # 10-12 to the floor, duly 2nd, approved 4-0.

Vinny Mancuso made a motion to bring Application # 10-12 to the floor, duly 2nd, approved 4-0.

Tammy Zinick, agent for the property owners approached the Board and submitted the green and white stubs from the certified mail letters to the adjacent property owners. The green and white stubs from the certified mail letters had a date of March 13, 2012 stamped on them. The zoning regulations state the certified letters to the adjacent property owners must be mailed out at least 10 days prior to the meeting date. Since the requirement was not met, the chairman explained how to move forward. Tammy Zinick stated she would like to continue the application to the April 19 meeting.

Vinny Mancuso made a motion to continue the application to the April 19 meeting duly 2nd, approved 4-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:10pm, duly 2nd, approved 4-0.