

New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
May 17, 2012

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

ZBA members absent: Peter Hearty and Alternate John McKee.

Town Officials in attendance: Maria Horowitz, CZEO

Chairman Joe DePaul called the meeting to order at 7:00 pm, introduced the board members, and explained the meeting process and voting procedures for 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 # 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.

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

Thomas Riggs approached the board stating the reason for continuing was due to an incorrect advertised setback on the 3rd story balcony. The correct rear setback is 40' which has been advertised. The existing house is 985sq ft and consists of 3 bedrooms and 3 bathrooms. There is a steep slope on his lot which prevents him from constructing outwards. Some members from the Board had gone to visit the property and noted that the property dropped off quite severely. There is an existing 14' deck 28.9' from the rear setback that is damaged beyond repair and will be replaced, noting the deck replacement is not part of the application. The proposed 2nd story will go up over half of the home. The existing height is 27'. There will be a 3rd story attic addition with a balcony. The balcony extends over the footprint of the home by 3' however it does not come any closer to the rear setback than the existing rear deck. Discussion followed there is no change to the footprint on the ground, there is no increase in nonconformity and there is no impact on the neighbors. Last month an email from the neighbors had been discussed noting they were OK with the proposal so long as the proposed addition did not encroach any further on the setbacks than the existing home. Mr. Riggs stated he would contact this family to address their additional concerns of drainage issues and construction equipment on their property.

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

Vinny Mancuso made a motion to enter the business session, duly 2nd, approved 4-0.

In the business session the Board discussed this is a typical vertical expansion and there is no increase in nonconformity, there is no impact on the neighbors, and the steep slope on the property. The Applicant stated he will address any further concerns from his neighbors.

Joe DePaul made a motion to grant the Variance for a rear setback of 40' and a side setback to 7.2' for the purpose of constructing a 2nd story addition and a 3rd story addition with a balcony. The hardship is the size and steep slope of the lot, duly 2nd, approved 4-0.

Minutes: Vinny Mancuso made a motion to accept the Minutes to the April 19, 2012 meeting as presented. Duly 2nd, approved 4-0

Continued Application # 13-12: Robert and Lori Gabriele, 12 Carleon Road, for variances to zoning regulations for the purpose of constructing a 2nd story addition over the garage.

Vinny Mancuso made a motion to bring Continued Application # 13-12 to the floor, duly 2nd, approved 4-0.

Robert Gabriele approached the Board and explained the reason he continued because last month he was not able to be present and the Board had questions that his representative could not answer. The reason he is proposing to go up over the garage instead of the home is because the foundation to the house is on cylinder blocks and therefore could not support the additional weight. The soil is very poor and would prohibit horizontal construction of the home. Mr. Gabriele stated the side of the proposed addition facing the Bealeau residence does not have windows and therefore would not compromise their privacy. Mr. Gabriele submitted pictures of his view of the Bealeau's yard showing many items lying around the yard and on the shed rooftop. The existing garage is 15' high and the proposed height is 20.6'. The applicant explained he is dropping the roofline by approximately 18" in order to minimize the height of the addition. Last month the Board had discussed they had concerns of living space over detached garage. Mr. Gabriele stated he was willing to use the 2nd story garage addition as storage. Variance # 51-89 dated June 29, 1989 was for the purpose of constructing the garage. The variance was for a 20' X 20' garage and they constructed 18' X 20' garage.

Joe DePaul asked for any further public comment—as follows:

April Bealeau, 10 Carleon Road: She is still opposed to this 2nd story addition for the reasons stated last month as it would block her views of the trees and inquired if it would still be possible for the proposed addition to become living space and if that was the case she is still opposed to the 2nd story becoming living space.

The Board discussed the applicant had addressed their concerns over the neighbors' privacy as well as their position on granting living space in a garage. Maria Horowitz

stated this is a classic vertical expansion and she does not have any issues with the project.

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

Vinny Mancuso made a motion to enter the Business Session, July 2nd, approved 4-0.

In the Business Session the Board discussed the applicant did a good job of addressing their concerns. There will be no increase in nonconformity; there will be no increase to the footprint on the ground; and there will be no windows on the side facing the neighbors so the issues of the neighbors' privacy have been addressed. Further discussion focused that the height of the garage addition has been kept to a minimum.

Joe DePaul made a motion to grant a front setback to 30', a side setback to 9' and a rear setback to 43' for the purpose of constructing a 2nd story garage addition subject to the plans as submitted further stipulating the 2nd story is for storage purposes only and cannot be used for living space. The hardship is the unusual size and characteristics of the lot, July 2nd, approved 4-0. This Variance does not increase dimensional nonconformity.

Application # 14-12: New Fairfield Animal Welfare Society Inc., 223 Route 37, for variances to zoning regulations for the purpose of constructing an addition.

Vinny Mancuso made a motion to bring Application # 11-12 to the floor, July 2nd, approved 4-0.

Mike Troiano representing the Animal Welfare Society approached the Board. He explained the proposal for a front addition, noting this is the best location for the addition due to the wetlands on the property. The addition will be 16' deep and 39' long. The Board inquired if the purpose of the addition is to house more animals. Mr. Troiano stated they are not looking to house more animals and the addition is enabling them to better dedicate their space needs. The reason why they are requesting a variance is because they are operating under a Special Permit from the Zoning Commission and anything outside of that permit requires a variance. Zoning Regulations 3.1.2F1 & 2 were read into the meeting, noting although the shelter is located in an R-88 Residential Zone, their setbacks are different and they need 150' front, side, & rear setbacks. Discussion followed that the building meets all of the setback requirements in the R-88 Zone and if this were a house and not a shelter they would not be in front of them. The Shelter has been at this location since 1991. Prior Variances # 08-90 and # 16-93 were discussed. They are requesting a front and one side setback only. Although this is a residential zoning district there are other businesses in the area such as nurseries and Great Hollow YMCA. The nursery which is right up the road is much closer to the road than the shelter. The YMCA owns property to the south and behind the shelter. Haviland Hollow Road is to the north of them. They are within 500' of Patterson, NY. There have been no complaints from the neighbors. Maria Horowitz stated she does not have any issues with the project and expects the zoning commission to approve the revisions to the Special Permit.

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

John Apple made a motion to enter the Business Session, July 2nd, approved 4-0.

In the Business Session the Board discussed the applicant is extending the line of nonconformity on the side and if the building were a home, the addition would still be within all of the required setbacks and would not be in front of ZBA. They will not be any closer to the road than other local businesses. There have been no complaints from neighbors and they will not be taking in additional animals.

Joe DePaul made a motion to grant a variance for the special permit subject to the plans as submitted. The hardships are there is no suitable space on the surrounding sides, and the wetlands, duly 2nd, approved 4-0.

Application # 15-12: Cristina Martinez and Kristin Keena, 10 Forest Hills Drive, for variances to zoning regulations for the purpose of constructing an in ground pool.

Vinny Mancuso made a motion to bring Application # 15-12 to the floor, duly 2nd, approved 4-0.

Tom NeJame of NeJame Pools approached the Board. He explained prior Variance # 13-90 was for the existing 16' X 24' above ground pool 25' away from the rear setback. He is proposing to replace the above ground pool with a 15' X 26' in ground pool 44' from the rear setback. Front and side setbacks are not required. There will be a small patio or deck where the above ground pool was, noting a variance is not being requested for the patio or deck. The proposed in ground pool will decrease nonconformity.

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

Jack Michinko made a motion to enter the Business Session, duly 2nd, approved 4-0.

In the Business Session the Board discussed the pool is not encroaching on the front or side setbacks and the new location actually decreases nonconformity. The lot is less than ½ acre.

Joe DePaul made a motion to grant a variance for the purpose of constructing an in ground pool subject to the plans as submitted. The hardship is the size of the lot and the new location decreases nonconformity, duly 2nd, approved 4-0.

John Apple made a motion to adjourn the meeting at 8:00pm, duly 2nd, approved 4-0.