

**New Fairfield Zoning Board of Appeals**  
**New Fairfield Connecticut 06812**  
**MINUTES**  
**Meeting**  
**November 15, 2012**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm. on Thursday, November 15, 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: Maria Horowitz, CZEO

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. John Apple 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 # 26-12:** Camille Casaretti and Jeffrey Feola, 19 Lavelle Avenue, for variances to zoning regulations for the purpose of enlarging an enclosed porch and relocating the stairs.

John Apple made a motion to bring Continued Application # 26-12 to the floor, duly 2nd, approved 5-0.

Camille Casaretti and Jeffrey Feola approached the Board and explained they have revised their application so as to decrease the amount of nonconformity from their proposal last month. Last month they requested to change the existing side setback of 10.7' to 7.5'. They are now proposing to leave the side setback at the existing 10.7'. The rear setback will be 34' for the addition, noting the stairs will come closer to the rear setback at 32'. This proposal still increases nonconformity by 4' on the rear setback. Discussion followed on the stairs. The applicants submitted a revised application, survey and drawings. Discussion followed, the applicants did a good job of addressing the Board's concerns from last month however they are still increasing nonconformity in the rear of the home by 4'. Maria Horowitz stated the applicants can increase the size of their home without increasing nonconformity via a vertical expansion. She is not in favor of a proposal that significantly increases nonconformity. Additionally, the survey submitted does not give the setbacks for the proposed new location of the stairs. The applicants should submit an updated survey indicating the exact location of the stairs and at which point the stairs will be within the zoning regulations. Enlarging the home for personal reasons is not a hardship. The applicants discussed other homes in the area go closer to the water than their home. The applicants have a small lot with a slope.

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 the applicants' efforts to address the Board's concerns of increasing nonconformity. This is a small lot with a steep slope. The stairs will encroach 32' on the rear setback and the addition will encroach 34' on the rear setback.

Joe DePaul made a motion to grant a variance for a rear setback of 34' for the addition and a rear setback of 32' for the stairs for the purpose of constructing an addition, subject to the plans submitted. The hardship is the size and slope of the lot, duly 2nd, approved 5-0.

**Minutes:** John Apple made a motion to approve the Minutes to the October 18 2012 meeting as presented, duly 2nd, approved 5-0.

**Continued Application # 27-12:** Anthony J. and Susan Rippo, 36 Indian Trail for variances to zoning regulations for the purpose of constructing a shed.

John Apple made a motion to bring Continued Application # 27-12 to the floor, duly 2nd, approved 5-0.

Mr. and Mrs. Rippo approached the Board. They explained they continued from last month because the Board wanted the shed moved back a couple of feet from the Gillotti Road setback. The zoning regulations require them to be 10' away from any setback. Last month they were proposing the shed to be 18' from the Gillotti Road setback. This month per the Board's instructions they have moved the shed so that it is 20' from Gillotti Road setback, stressing they are only required to be 10' away. The shed is still in the rear line of the house. The reason they are here tonight is because they are on a corner lot and the zoning regulations state they have 2 front setbacks and 2 side setbacks. According to the zoning regulations they do not have a rear setback and sheds are required to be in the rear of home, noting the proposed location for the shed is behind the home which aesthetically appears to be their back yard. The front of the home faces Indian Trail. Last month some Board members expressed concern that they did not want to see the shed from the road. Mr. & Mrs. Rippo offered to either put up a fence or plant 4' evergreen trees on the Gillotti Road setback to act as a buffer. The Board stated they would prefer the trees as a buffer. Discussion followed. Due to the steep slope behind the home, they are unable to push the shed any further back without excavating. Maria Horowitz, CZEO stated that she has no issues with the proposal and that they meet the guidelines for a hardship. Maria Horowitz reinforced the hardship for a variance must come from the land and not a personal reason, such as a family has outgrown their home like in the last application. Maria Horowitz reminded the Board that the setback is not the issue in this matter, the shed is clearly well within the required setback of 10'. The shed is also behind the rear of the home which aesthetically appears to be in their back yard. The chairman stated that there was a pool on the property and if the pool wasn't there, then the shed could be put in that location. The pool is there legally, and it has absolutely nothing to do with the shed. Additionally the pool was constructed by a prior owner. The shed will be the same color as the house. A picture of the shed that was already in the file was shown to the Board.

Joe DePaul asked if there was any further public comment—none heard.

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

In the Business Session the Board discussed the applicants did a nice job of relocating the shed and the addition of 4' evergreen trees to act as a buffer will enhance the project. Joe DePaul indicated he does not like sheds and that it would be an eyesore and given the fact that Gillotti Road is a heavily traveled road, he would not be in favor of this project. Other Board members stated that the applicant did a good job of addressing the Board's concerns from last month by moving the shed back and adding a buffer.

Joe DePaul made a motion to grant the shed 20' away from the Gillotti Road setback stipulating the applicant will plant 4' evergreen trees to act as a buffer, subject to the plans as submitted. The hardship is the steep slope behind the home and the property is located on a corner lot. Duly 2nd, denied 3-2. Joe DePaul and Vinny Mancuso voted against the application. John Apple, Jack Michinko, and Peter Hearty were in favor.

**Application # 31-12:** Eric Hoffman, 150 Lake Drive South, for variances to zoning regulations for the purpose of raising the roofline.

Jack Michinko made a motion to bring Application # 31-12 to the floor, duly 2nd, approved 5-0.

Eric Hoffman and his contractor Dennis Ruopp approached the Board. They explained the home has a flat roof and he is proposing to put a gabled roof onto the home for the purpose of improving the drainage. There is a considerable amount of rot on the front porch due to the flat roof. Repairs to the front porch are outside of the ZBA's jurisdiction. The house sits on a small lot that is 0.18 acres. The entire house does not meet the required setbacks. The existing flat roof has 2' overhangs. The proposed gabled roof requires smaller overhangs so the front setback will increase from the existing 19' to 20' and the north side setback will increase from 21.5' to 22.75'; thus reducing nonconformity. The existing rear setback of 8' and the existing south side setback of 11.5' will remain the same. The height of the home will increase by 5'3". There will be no impact on the neighbors, there will be no change to the footprint on the ground, and the proposal will reduce nonconformity on two setbacks. The application submitted shows the proposed setbacks.

Joe DePaul asked if there was any further public comment—None Heard.

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

In the Business Session the Board discussed this is a classic vertical expansion, which actually reduces nonconformity. There will be no impact on the neighbors and there will be no change to the footprint on the ground.

Joe DePaul made a motion to grant a Variance with a front setback to 20', a rear setback to 8', a north side setback to 22.75' and a south side setback to 11.5' for the purpose of raising the roofline subject to the plans as submitted, further stipulating this proposal decreases nonconformity. The hardship is the size and slope of the lot duly 2nd, approved 5-0.

**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.

Joe DePaul read an email from Kim Mayhew dated 11/15/12 into the meeting indicating they would like to have their application remain unopened until the December meeting as they will be out of town and unable to attend tonight's meeting.

The application will remain unopened until the December 18 meeting.

**2013 Meeting Dates:** The proposed 2013 meeting dates and meeting place were discussed. The meetings will continue to be held on the 3<sup>rd</sup> Thursday of the month. However due to the Library's expansion project the Library Community Room may not be available to us every month. Other venues were discussed. If the Community Room is not available then we will go to the Conference Room in Town Hall. The September and March meeting dates will be changed to Monday of the same week and the location will change to the Community Room above the Senior Center as traditionally the Friends of the Library hold their book sales during those months. Joe DePaul will not be available for the July meeting. Vinny Mancuso made a motion to accept the meeting dates and venues as discussed, duly 2nd, approved 5-0.

Joe DePaul made a motion to adjourn the meeting at 8:40pm, duly 2<sup>nd</sup>, approved 5-0.