

**New Fairfield Zoning Board of Appeals  
New Fairfield Connecticut 06812  
MINUTES  
Meeting  
July 21, 2011**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm on Thursday July 21, 2011 in the New Fairfield Public Library. Secretary Laurie Busse took the minutes.

ZBA members in attendance: Joe DePaul, Chairman, Jack Michinko, Peter Hearty, Vinny Mancuso and Alternate John McKee

ZBA members absent: John Apple, Vice Chairman

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 proposed agenda. Vinny Mancuso made a motion to adopt the Agenda, duly 2nd, approved 5-0. Secretary Laurie Busse read the Call of the Meeting.

**Application # 20-11:** Bernd Jackel, 5 Patterson Street, for variances to zoning regulations for the purpose of constructing a new home

Vinny Mancuso made a motion to bring Application # 20-11 to the floor, duly 2nd, approved 5-0.

Bernd Jackel approached the Board and explained his plans to construct a 30' X 54' Raised Ranch, 3 Bedroom home with a 2 car garage underneath. There will be a 12' X 16' rear deck with stairs to grade. The stairs will be on the side of the deck. The deck will be approximately 5' from the ground and 34' from the rear setback. Discussion followed on the Board's position on developing empty lots. If the deck were moved to the side of the home then the amount of nonconformity requested would be greatly reduced. The new rear setback would be 46'. The lot is about a ½ acre in size. Discussion followed if the deck were to be put on the side of the home then it may encroach on the septic system. A survey indicating the distance from the proposed location of the deck to the septic was not available and the applicant was concerned about finishing the project during the winter months and the cost involved to revise the floor plan. Joe DePaul explained how to move forward with the application. The applicant would like to think about his options. Joe DePaul suggested that since the next application also belongs to this applicant that the Board should table this application until we hear the next one and then come back to it.

Vinny Mancuso made a motion to table this application until after we hear Application # 21-11, duly 2nd, approved 5-0.

Back in the public session after hearing application #21-11, the applicant stated that there were other houses in the area that had decks closer to the rear setback than he is requesting, and that the Board had granted a variance for a house he built on this street a couple of years ago with a closer setback, however he did not have this documentation with him. The Board indicated that if he could bring this documentation to the next meeting, they would consider it when making their decision. Joe DePaul reviewed the applicant's options for moving forward. The applicant stated he wanted to continue.

Peter Hearty made a motion to continue the application to the August 18 meeting, July 2nd, approved 5-0.

Vinny Mancuso made a motion to take a 5 minute break before hearing Application # 23-11 July 2nd, approved 5-0.

**Application # 21-11:** Bernd Jackel, 7 Patterson Street, for variances to zoning regulations for the purpose of constructing a new home.

Peter Hearty made a motion to bring Application # 21-11 to the floor, July 2nd, approved 5-0.

Bernd Jackel approached the Board and explained his plans to construct a 30' X 54' 4 bedroom home with a 2 car garage underneath. There will be a 10' X 16' rear deck with stairs to grade. This is a corner lot and the driveway will be on Patterson Street. The house will be 44' away from the rear setback and due to the way the property line jogs in, the rear deck will be 20' away from the rear setback. Discussion followed on how to reduce nonconformity. Some of the options included moving the house forward, moving the deck to the side of the house or moving the deck over to the left away from the jog in. The applicant noted he could reverse the floor plan if the deck was moved over to the left. Discussion followed on what the new rear setback would be. The Board had concerns about granting a variance for an unknown number. This property has a conservation easement and it would not be possible for them to move the home forward as it would be too close to the conservation easement and too close to the shared access way.

Joe DePaul asked if there was any further public comment—as follows:

Debbie Gasper, Hillview Association: Stated she had concerns that the travel way would not be located in the Hillview Association which abuts this property.

Richard Mohl, Hillview Drive: Stated he has concerns regarding the location of the travel way of the shared access way and did not want it to come through the Hillview Drive property.

Marian Rome, 16 West Hillview: Has concerns on the location of the access way and explained her home is near there and had additional concerns about the homes being too close together and did not want to be able to look into anybody's bedrooms and vice versa. There is a wooded area in between her property and Patterson Street.

The Board discussed the deck will be about 25' or 27' away from the rear setback but the house won't move.

Joe DePaul asked for any further public comment—none heard

Vinny Mancuso made a motion to move into the business session duly 2nd, approved 5-0.

In the business session the Board discussed they must approve something and discussed the applicant's willingness to move the deck to help reduce nonconformity. The house only needs a rear setback. Discussion followed, the application was requesting a variance for the width of the access way and that was not discussed. Vinny Mancuso made a motion to go back into the public session duly 2nd, approved 5-0.

Back in the public session the secretary read zoning regulation 7.3.2B into the meeting. A 12' width travel way is required for a single home and 18' width travel way is required for two or more homes. The applicant has the 12' width for the proposed home but only has 10' for the second home on lot number 125. Some members believed that since the travel way was going to lot 125, then it would be up to lot 125 to come in and request a variance while others believed that since the access way was located on the property of 7 Patterson Street and the applicant had requested a variance for it on this property and not on lot 125, then the Board must address it. The applicant stated that the travel way to access the proposed home was wide enough and that it did narrow down going to lot number 125. The secretary stated that she had a conversation with Maria Horowitz, Zoning Enforcement Officer, and that Maria Horowitz was under the impression that the applicant was going to bring an updated survey to the meeting to show this issue had been resolved. The applicant stated he was not aware that he needed the updated survey for tonight's meeting; he thought he needed it when he obtained his building permit. Discussion followed, Maria Horowitz was not present to clear this matter up. The Board would like to continue the application. The applicant will bring to the August 18 meeting an exact rear setback and a letter from Maria Horowitz regarding the travel way.

Vinny Mancuso made a motion to continue the application to the August 18, 2011 meeting.

**Application # 22-11:** Dietrich, 14 Bay Drive, for variances to zoning regulations for the purpose of constructing an addition.

Vinny Mancuso made a motion to bring Application # 22-11 to the floor, duly 2nd, approved 5-0.

John Dietrich, Scott Yates, architect and Sean Condon, contractor approached the Board and explained their plans to construct an addition 1' away from the rear setback. The first level of this home comes closer to the 440 line than the basement level. They propose to expand the basement level of the home to be equal with the first level. The 440 Contour Line is on an angle to the home. They will angle the addition so as not to come any closer to the 440 Contour Line than the existing home. Prior Variance # 16-79 dated May 2, 1979 granted a rear setback to 1.16' for an open deck and Variance #08-08 dated April 17, 2008 granted a rear setback to 4' for a 2<sup>nd</sup> story addition. The secretary indicated there may be an advertising issue. The application requested a 49' rear setback and that is what was advertised in the legal notice. The Board explained they cannot move forward with this application tonight.

Vinny Mancuso made a motion to continue the application to the August 18 meeting, July 2nd, approved 5-0.

**Application # 23-11:** Fucito, 1 Ridgeway, for variances to zoning regulations for the purpose of constructing a 2<sup>nd</sup> story addition.

Peter Hearty made a motion to bring Application # 23-11 to the floor, July 2nd, approved 5-0.

Agent Tammy Zinick approached the Board and explained this is a corner lot with 2 fronts, one on Ridgeway and the other on Woods Road. The existing enclosed porch will be torn down and rebuilt, but this is not in front of the Board. The 2<sup>nd</sup> story will go over the existing footprint on the Ridgeway front setback by 6". The existing Ridgeway front setback is 20.16' and the proposed is 19.72'. Prior Variance # 52-86 granted a front setback to 17' and another front setback to 16' for the purpose of replacing an existing deck. The addition will increase the height of the home ranging from 2' to 6'. The proposed height at its highest point will be 23' 7". There are no issues with views of the lake.

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

Peter Hearty made a motion to enter the business session, July 2nd, approved 5-0.

In the business session the Board discussed this is a classic vertical expansion, with the exception of the 6" expansion on the Ridgeway front setback. There is no impact on the neighbors; there is a *de minimis* increase in nonconformity.

Joe DePaul made a motion to grant the Variance for a Ridgeway front setback to 19.72' and a Woods Road front setback to 21.7' for the purpose of constructing a 2<sup>nd</sup> story addition, subject to the plans as submitted. The hardship is the 2 fronts and size of the lot, July 2nd, approved 5-0.

**Minutes:** Vinny Mancuso made a motion to adopt the Minutes to the June 13, 2011, meeting, July 2nd, approved 5-0.

**Application # 24-11:** Town of New Fairfield, 31-39 Route 37, for variances to zoning regulations for the purpose of varying a previously approved variance to construct a sign.

Vinny Mancuso made a motion to bring Application # 24-11 to the floor, July 2nd, approved 5-0.

Kathy Hull, Director of the Senior Center, approached the Board. She explained prior Variance # 21-09 dated July 1, 2009 was to construct a sign. At the time, they did not have the funds to construct a 2 sided sign and the sign was located in such a way that drivers must turn their heads to see it. Since then they have raised enough money to construct a double sided sign and they would like to switch the direction of the sign from being parallel to the road to horizontal with the road. This will allow drivers to see the sign without turning their heads. Kathy Hull is also proposing a 2<sup>nd</sup> identical double sided sign at the north entrance to the Senior Center. Discussion followed on safety issues and the locations of the signs.

John McKee made a motion to enter the business session, July 2nd, approved 5-0.

In the business session the Board discussed there will be no change to the signs. The 2<sup>nd</sup> side of the sign will be identical to what is existing and the additional sign at the north entrance to the Senior Center will be identical also.

Joe DePaul made a motion to grant a variance to zoning regulation 6.3.8E (1) for the purpose of changing the existing one sided sign to a double sided sign and changing the direction of the existing sign at the Senior Center and for the construction of a 2<sup>nd</sup> identical sign located at the north entrance, subject to the plans as submitted further stipulating the signs are no closer to the road than the existing sign and the signs remain on Town property. The hardships are the road conditions and the closeness of the Senior Center to the road July 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 9:05 pm, July 2nd, approved 5-0.