

**New Fairfield Zoning Board of Appeals  
New Fairfield Connecticut 06812  
MINUTES  
Meeting  
March 14, 2011**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm on Monday, March 14, 2011, in the New Fairfield Library Community Room. 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: None

Town Officials in attendance: Maria Horowitz, Certified Zoning Enforcement Officer

Chairman Joe DePaul called the meeting to order at 7:05 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. Joe DePaul made a motion to add a discussion on the April Meeting to the Agenda, duly 2<sup>nd</sup>, approved unanimously. Joe DePaul made a motion to adopt the Agenda as amended, duly 2<sup>nd</sup>, approved unanimously. Secretary Laurie Busse read the Call of the Meeting.

**Continued Application # 04-11:** Alphonso and Patricia Pacheco, 15 Sunset Trail, for variances to zoning regulations for the purpose of constructing a detached garage.

John Apple made a motion to bring Continued Application # 04-11 to the floor, duly 2<sup>nd</sup>, approved 5-0.

Tammy Zinick, agent for the applicants approached the Board. She explained the plans for a 20' X 22' 2 car garage noting this is a thru lot and how it differs from a corner lot. The front of the home is on Sunset Drive. The driveway and the rear boundary are on Ridge Road. Prior Variance # 06-75 was for a side setback to 13' for a family room addition. A letter from the neighbors located at 17 Sunset Trail approving the project was read into the meeting. Further discussion focused on the shape and slope of the lot. Some of the Board member would like to see a topography map. Maria Horowitz questioned why the survey they gave her indicates 6' from the side setback and the survey submitted to ZBA shows 5' to the side setback. Tammy Zinick stated the surveyor did not include the overhangs and Maria Horowitz's survey is the most recent and correct. Discussion followed, on the size of the overhangs. The ZBA would like an updated survey. The garage will bring lot coverage to over 21%. The Board discussed their position on going over lot coverage as well as making a conforming setback nonconforming. Further discussion followed on reducing the size of the garage to a 1-car garage and pushing the garage closer to the house. Tammy Zinick indicated there is too much of a slope to push it further to the home and the well and septic setbacks may be compromised. Joe DePaul explained how to move forward with the application. The applicants would like to continue to the next meeting.

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

**Application # 05-11:** Eugene and Susan DeNoia, 315 Route 39, 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 # 05-11 to the floor, July 2nd, approved 5-0.

Eugene DeNoia and Engineer Peder Scott approached the Board. They explained this is a preexisting nonconforming lot on .08 of an acre. The existing lot coverage is 25%. The home currently has a 2<sup>nd</sup> story but it is smaller than the 1<sup>st</sup> story. The proposed 2<sup>nd</sup> story addition will extend out 3.6' but will not go over the existing footprint of the home. The total square footage of the addition is 71sqft. One neighbor is 160' away and the other neighbor is about 50' away.

Maria Horowitz stated the 2008 field card indicates there are 2 concrete slabs, one which now has a porch over it and the other slab that is showing as unfinished storage. Maria Horowitz inquired if building permits and variances were obtained for these projects further explaining that if they are requesting a variance for lot coverage, the percentage they are requesting may not be valid. If the structures were built illegally it would affect the amount of lot coverage the Board is being requested to vary. The Board would like to see an updated survey giving the correct lot coverage and showing the concrete slabs as the structures they have become. The applicant requested if he can continue this application to the next meeting and then come back in May to request a Variance for the porch and enclosed storage area. Joe DePaul explained how to move forward.

Peter Hearty made a motion to continue to the April 2011 meeting July 2nd, approved 5-0.

**Application # 06-11:** Nassir & Lisa Al-Agha, for variances to zoning regulations for the purpose of constructing a new home.

Vinny Mancuso made a motion to bring Application # 06-11 to the floor, July 2nd, approved 5-0.

Dominick Pilla and Sandro Bucci approached the Board. They explained a Variance was not needed for zoning regulations 3.2.5B Minimum Lot Frontage and 3.2.11 Minimum Lot Dimensions. Discussion followed. Maria Horowitz agreed these two zoning regulations can be dropped from the application. The applicants explained their plans to demolish the existing cottage and rebuild a 1,400sqft home. The proposed new home will either reduce or remove nonconformity from what is currently in place. The front setback will remain at 16'. The side setback is currently 14.46' and proposed is 20' which will make the side setback conforming. Both sides will be conforming. The rear setback for the house is 22.6'. The deck appears to be closer to the rear setback than advertised. The applicants explained the requested setback was for the house and did not include the deck. The Board discussed they cannot grant a Variance for a setback that was not advertised and explained how to move forward with the application.

Peter Hearty made a motion to continue the application to the April Meeting, July 2nd, approved 5-0.

**Application # 07-11:** Brad Harrington 230 Route 39 for variances to zoning regulations for the purpose of constructing a 2<sup>nd</sup> story addition.

Vinny Mancuso made a motion to bring Application # 07-11 to the floor, July 2nd, approved 5-0.

Brad Harrington approached the Board and explained his plans for a vertical expansion. There will be no increase in nonconformity, no change to the footprint on the ground, no impact on his neighbors. The square footage of the home will go from 1527sqft to 2064sqft. The current height of 19' will increase by 6' with an overall height of 25'. A height Variance is not required. A letter from the neighbor at 232 Route 39 was read into the meeting approving the project. The front of the home is Squantz Pond. The Board discussed the slope and ledge on the property.

Maria Horowitz stated she did not have any objections to this project.

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

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

In the business session the Board discussed there is no increase in nonconformity, no change to the footprint on the ground, no impact on the neighbors and the steep slope and ledge on the property.

Joe DePaul made a motion to grant the Variance for a side setback to 15.4' subject to the plans as submitted. The hardship is the slope and severe ledge of the property, further stipulating this Variance does not increase dimensional nonconformity, July 2nd, approved 5-0.

**Minutes:** Vinny Mancuso made a motion to adopt the Minutes as presented, July 2nd, approved 5-0.

**Application # 08-11:** Celeste Pearce, 6 Knolls Road, for variances to zoning regulations for the purpose of constructing an addition.

John Apple made a motion to bring Application # 08-11 to the floor, July 2nd, approved 5-0.

Celeste Pearce approached the Board and explained her plans to construct the addition. The existing home is 970sqft. The first floor addition will add 200sqft to the home and the 2<sup>nd</sup> floor will be a loft and add 100sqft to the home for a total of 300 additional square feet. Due to the property line being on an angle, the addition will not come any closer to the setbacks than the existing home. The Board discussed here will be no increase in nonconformity and the small odd shaped lot.

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

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

In the business session the Board discussed there is no increase in nonconformity, no impact on the neighbors, there is a de minimus height increase and the small odd shaped lot.

Joe DePaul made a motion to grant the Variance for a rear setback to 43.5' subject to the plans as submitted. The hardship is the shape and size of the lot, duly 2nd, approved 5-0.

**April Meeting Date:** It appears there will be several C&D's on the April Agenda. Joe DePaul and Maria Horowitz stated they would not be able to attend the scheduled meeting date of April 14, 2011 and given the nature of the next meeting, felt it was important for them to be there. Possible dates and venues were discussed. The secretary will look into the availability of venues for Monday April 11.

Joe DePaul made a motion to change the April 14, 2011 meeting date to Monday April 11, 2011, with the stipulation that a venue is available, duly 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 9:00 pm, duly 2nd, approved 5-0.