

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
May 19, 2011**

The New Fairfield Zoning Board of Appeals (ZBA), held a public hearing followed by a business session at 7:00 pm on Monday May 19, 2011 in the New Fairfield Public Library. Secretary Laurie Busse took the minutes.

ZBA members in attendance: Joe DePaul, Chairman, John Apple, Vice Chairman, Jack Michinko, Vinny Mancuso and John McKee

ZBA members absent: Peter Hearty

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 proposed agenda. John Apple made a motion to adopt the Agenda as read, duly 2nd, approved 5-0. 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.

Vinny Mancuso made a motion to bring Continued Application # 04-11 to the floor, duly 2nd, approved 5-0.

Agent Tammy Zinick approached the Board. The last time testimony was heard was at the March 14, 2011 meeting. The Board requested a topography map and expressed concerns of increasing nonconformity as well as lot coverage. The proposed 2-car garage is 20' X 22'. To help reduce the amount of increased nonconformity the applicants have proposed to change the location of the garage as follows:

<u>Original Proposal</u>	<u>Revised Proposal</u>
Rear Setback on Ridge Road 7'	Rear Setback on Ridge Road 19.3'
South Side Setback 5'	South Side Setback 11.3'
North Side Setback 13'	North Side Setback 15.6'

Discussion followed that although the applicants did a good job at decreasing the amount of nonconformity requested; they are still increasing nonconformity and making a conforming rear setback nonconforming. Impervious Surface coverage will remain at 37.1%. Further discussion focused on lot coverage. The survey submitted said the lot coverage existing and proposed is 21% and how can existing and proposed be the same number. The survey should show existing lot coverage and proposed lot coverage separately.

Maria Horowitz commented that the original proposal was to construct the garage on top of the existing driveway; therefore, there would be no increase in impervious surface coverage. This new proposal takes the garage off of the driveway and would increase impervious surface coverage so how can it remain unchanged? Tammy Zinick stated the applicants would return a portion of the driveway over to grassy area or use pervious gravel/rocks to keep the impervious surface level at 37.1%. Discussion followed that impervious surface coverage cannot be varied and if a variance was granted for the advertised zoning regulations the applicant would still have to go to the Zoning Commission after tonight's meeting.

Discussion followed this is a thru lot with Sunset Trail as the front setback and Ridge Road as the rear setback. This differs from a corner lot. The Board discussed options which included reducing the size of the garage to a one car garage and moving the garage closer to the home. The applicants offered to reduce the size of the 2 car garage to 19' x 22' which would eliminate an increase of nonconformity on one of the side setbacks. The Board discussed they would like to see a survey showing the lot coverage both before and after the proposal. Discussion followed the applicants are out of time. Prior Variance # 06-75 was discussed. Joe DePaul explained how to move forward with the application. Agent Tammy Zinick stated she would like to withdraw the application.

Appeal# 09-11: Robert and Linda Petereit, 26 Pine Island, to appeal a Cease & Desist Order dated February 3, 2011 regarding construction of structures with individual rooms, showers, chemical toilets, sinks. Lean-tos with refrigerators, platforms for tents, truss platforms, canopy platforms, decks and privies. There are a number of old heating oil tanks with the tops of the tank cut off and the pieces of the tank cut off is then hinged and attached back to the tank for a storage container. The tank doors have locks and bungee cords to secure them. The island also has a few large areas being used as an island community dumping ground. They are spread over several properties. There are abandoned docks, rotting wood and general junk and garbage being thrown in it. Individual properties also have smaller dumping areas with similar debris. While an individual property may not have all of the violations listed above, all properties have a majority of them.

Joe DePaul asked if any one was present to represent Appeal # 09-11, Petereit—No Response. Joe DePaul read a letter into the record from Attorney Harbanuck dated May 2, 2011 requesting an extension to the June 13, 2011 meeting. Joe DePaul stated the Appeal will remain unopened.

Appeal# 10-11: Joseph, Nancy, Lydia, & Philip DeRienzo, 16 and 18 Pine Island, to appeal a Cease & Desist Order dated February 3, 2011 regarding construction of structures with individual rooms, showers, chemical toilets, sinks. Lean-tos with refrigerators, platforms for tents, truss platforms, canopy platforms, decks and privies. There are a number of old heating oil tanks with the tops of the tank cut off and the pieces of the tank cut off is then hinged and attached back to the tank for a storage container. The tank doors have locks and bungee cords to secure them. The island also has a few large areas being used as an island community dumping ground. They are spread over several properties. There are abandoned docks, rotting wood and general junk and garbage being thrown in it. Individual properties also have smaller dumping areas with similar debris. While an individual property may not have all of the violations listed above, all properties have a majority of them.

Joe DePaul asked if there was any one present to represent Appeal # 10-11, DeRienzo—No Response. Joe DePaul read a letter into the record from Attorney Harbanuck dated May 2, 2011, requesting an extension to the June 13, 2011 meeting. Joe DePaul stated the Appeal will remain unopened.

Appeal# 12-11: Thomas F. Sheehan III, 24 Pine Island, to appeal a Cease & Desist Order dated February 3, 2011 regarding construction of structures with individual rooms, showers, chemical toilets, sinks. Lean-tos with refrigerators, platforms for tents, truss platforms, canopy platforms, decks and privies. There are a number of old heating oil tanks with the tops of the tank cut off and the pieces of the tank cut off is then hinged and attached back to the tank for a storage container. The tank doors have locks and bungee cords to secure them. The island also has a few large areas being used as an island community dumping ground. They are spread over several properties. There are abandoned docks, rotting wood and general junk and garbage being thrown in it. Individual properties also have smaller dumping areas with similar debris. While an individual property may not have all of the violations listed above, all properties have a majority of them.

Joe DePaul asked if any one was present to represent Appeal # 12-11, Sheehan—No Response. Joe DePaul read a letter into the record from Attorney Salvatore dated April 28, 2011 requesting an extension to the June 13, 2011 meeting. Joe DePaul stated the Appeal will remain unopened.

Appeal# 15-11: Terrance and Gayle Hill, 17 Pine Island, to appeal a Cease & Desist Order dated February 3, 2011 regarding construction of structures with individual rooms, showers, chemical toilets, sinks. Lean-tos with refrigerators, platforms for tents, truss platforms, canopy platforms, decks and privies. There are a number of old heating oil tanks with the tops of the tank cut off and the pieces of the tank cut off is then hinged and attached back to the tank for a storage container. The tank doors have locks and bungee cords to secure them. The island also has a few large areas being used as an island community dumping ground. They are spread over several properties. There are abandoned docks, rotting wood and general junk and garbage being thrown in it. Individual properties also have smaller dumping areas with similar debris. While an individual property may not have all of the violations listed above, all properties have a majority of them.

Joe DePaul asked if any one was present to represent Appeal # 15-11—No Response. Joe DePaul read a letter into the record from Attorney Coppola dated April 25, 2011 requesting an extension to the June 13, 2011 meeting. Joe DePaul stated the Appeal will remain unopened.

Sherman and Barbara Hotchkiss inquired how many extensions an appeal can have. The Board indicated the appeals would be out of extensions by June 13.

Application # 16-11: Gary and Britta Pedersen, 141 Shortwoods Road, for variances to zoning regulations for the purpose of constructing a 2nd story addition and a 2 story addition with a front porch

John Apple made a motion to bring Application # 16-11 to the floor, duly 2nd, approved 5-0.

Gary Pederson and his agent Tammy Zinick approached the Board. The house was built in the 1950's and is preexisting nonconforming. Prior Variance # 13-76 was for a dining room. The applicants propose to construct a 2nd story addition over the existing house and then construct a 2 story addition connecting the garage to the existing home. The existing height is 13' and the proposed height is 26'. They will not increase nonconformity. They will not go past the existing front setback of 28'. The height of the garage will also increase. There will be construction to make the back of the garage deeper; however, this portion of the proposal is not in front of ZBA. The lot is over 2 acres, noting there is a pond and a steep slope in the rear of the home. Maria Horowitz stated she does not have any issues with the proposal as it does not increase nonconformity.

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

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

In the business session the Board discussed there is no increase in nonconformity as well as the slope and the wetlands on the lot. There is no impact on the neighbors.

Joe DePaul made a motion to grant the Variance with a front setback to 28', subject to the plans as submitted. The hardship is the slope and wetlands on the lot further stipulating this Variance does not increase nonconformity, duly 2nd, approved 5-0.

Minutes: Vinny Mancuso made a motion to adopt the Minutes to the April 11, 2011, meeting, duly 2nd, approved 4-0-1. John McKee abstained. Everyone else was in favor.

Application # 17-11: Ryan Brigham, 35 Candlewood Drive, for variances to zoning regulations for the purpose of constructing a front deck.

Vinny Mancuso made a motion to bring Application # 17-11 to the floor, duly 2nd, approved 5-0.

Ryan Brigham and Glenn Brigham approached the Board. They discussed the steep slope and the lot size is about 1/3 of an acre. They propose to construct a deck the length of the house that is 43' X 11'. The existing front setback is 41.2'. This proposal will increase nonconformity in the front by about 10.5' and make the conforming front setback nonconforming. The requested side setback of 12' is existing. Due to the slope of the property the height of the deck will range from 8' to about 5'. The Board discussed a prior Variance # 22-95 to construct a deck in the rear of the home. The applicant stated the hot tub shown on the survey was removed by a prior owner. The Board stated their position on increasing nonconformity. Discussion followed on the side deck.

Maria Horowitz stated the property does have a steep slope but does not want to see an increase in nonconformity. She discussed an alternate proposal that would keep the deck less than 2' from the ground. The applicant stated that due to the slope, the deck would go from 2' to 4' and stairs would have to be constructed to connect the front deck to the side deck. Discussion followed.

Joe DePaul asked if there was 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 there is a huge increase in nonconformity. A conforming front setback would become nonconforming and another proposal had been suggested.

Joe DePaul made a motion to grant a Variance for the construction of a deck with a front setback to 29.5' and a side setback to 12', subject to the plans as submitted. The hardship is the unusual size and slope of the lot, duly 2nd, denied 2-3. John Apple and John McKee were in favor. Joe DePaul, Jack Michinko, and Vinny Mancuso were opposed.

John Apple made a motion to adjourn the meeting at 8:15pm duly 2nd, approved 5-0.