

**New Fairfield Zoning Board of Appeals  
New Fairfield Connecticut 06812  
MINUTES  
Meeting  
September 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, September 19, 2011, in the New Fairfield Community Room. Secretary Laurie Busse took the minutes.

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

ZBA members absent: None

Town Officials in attendance: Maria Horowitz, CZEO

Chairman Joe DePaul called the meeting to order at 7:03 pm, introduced the board members, and explained the meeting process and voting procedures, noting he may have to leave before the meeting ends. If that were to happen, Vice Chairman John Apple would run the meeting and Alternate John McKee would become a full voting member. 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, duly 2nd, approved 5-0. Secretary Laurie Busse read the Call of the Meeting.

**Application # 25-11:** Dean Scampone, 36 Sunswept Drive, for variances to zoning regulations for the purpose of resubdividing the property.

John Apple made a motion to bring Application # 25-11 to the floor, duly 2nd, approved 5-0.

Dean Scampone and his attorney Neil Marcus approached the Board and explained their plans to resubdivide the property. They have been through all of the boards and commissions. According to zoning regulations there cannot be any wetlands inside the building envelope. This property has 520sqft of wetlands in the southwest corner of the building envelope and is an “L” shaped lot. The applicants have worked with Maria Horowitz trying to move the building envelope however no matter where they end up there are still wetlands inside the building envelope. The septic system is not within the wetlands setbacks. The property borders the High School so a lot line swap would be difficult. Both the existing lot and the proposed lot will have two acres of land. Discussion followed as Board members were concerned about the proximity of the house to the wetlands and if the 2004/2005 Inlands/Wetlands restrictions stating this lot must remain empty. There were additional concerns that these wetlands drain into Ball Pond. Attorney Marcus stated the home will be just about 50’ from the wetlands and this is not the same subdivision, but rather a subdivision from 1983, noting he looked through town records and could not find any wetland’s restrictions on the property.

Maria Horowitz stated she checked the original subdivision and couldn't find any stipulations on the wetlands. She tried moving the building envelope out of the wetlands, by pushing it further back and turning it, but there was no getting the building envelope out of the wetlands. The house will conform to all the other zoning regulations.

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

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

In the business session the Board discussed that this was their first case regarding the new regulation concerning wetlands inside the building envelope. The proposed home will meet all of the required zoning regulations except 3.1.11, Minimum Lot Dimensions. Approximately 2% of the building envelope will contain wetlands further noting the wetlands on the property do not drain into Ball Pond.

Joe DePaul made a motion to grant the Variance to zoning regulation 3.1.11 Minimum Lot Dimensions to contain approximately 520sqft of wetlands inside the building envelope subject to the plans as submitted. The hardship is the irregular shaped lot and the location of the wetlands, noting there is dry land around the house to support the home duly 2nd, approved 5-0.

**Minutes:** Vinny Mancuso made a motion to approve the Minutes to the August 18, 2011 meeting as submitted, duly 2nd, approved 5-0.

**Application # 27-11:** Adam and Nicole Furphy, 10 Inglenook Drive, 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 # 27-11 to the floor, duly 2nd, approved 5-0.

Adam Furphy and his architect, Dan Lamb, approached the Board. They propose to add a bedroom to the home by going up over the garage. The storage over the garage will be accessed by pull down stairs inside the garage and will not be accessible through the home. A portion of the garage will be converted into bedrooms. They are going up ½ a story, not a full story. Due to the slope of the property the height of the home ranges from 14.6' to 19'. The total new height of the home will not exceed 30'. There will be no change to the footprint on the ground, there will be no increase in nonconformity and there will be no impact on the neighbors. The lot is triangle shaped and is about 1/3 of an acre. Due to the shape and size of the property as well as the location of the septic system they cannot expand outward.

Maria Horowitz stated she does not have any issues with this application they are just raising the roof line.

Joe DePaul asked for 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 vertical expansion, there will be no increase to nonconformity, no change to the footprint on the ground, and no impact on the neighbors.

Joe DePaul made a motion to grant a variance for a front setback to 18.7' and a rear setback to 6' subject to the plans as submitted. The hardship is the irregular size and shape of the lot further stipulating this Variance does not increase dimensional nonconformity duly 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 7:46 pm, duly 2nd, approved 5-0.