

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812
MINUTES
Meeting
March 15, 2010**

The New Fairfield Zoning Board of Appeals held a public hearing followed by a business session at 7:00pm on Monday March 15, 2010 in the New Fairfield Community Room located at 31 and 33 Route 37. Secretary Laurie Busse took the minutes.

ZBA members in attendance: John Day, Chair, Joe DePaul, Vice Chair, Jack Machinko Peter Hearty, and John Apple

ZBA members absent: None

Town Officials in attendance: None

Chair John Day called the meeting to order at 7:01pm introduced the Board members and explained the meeting process and voting procedures. John Day gave the definition of a recusal.

Secretary Laurie Busse read the proposed agenda for the meeting. John Day stated he would like to add a discussion on tape fees to the Agenda and asked for any additional amendments or changes, none heard. John Day made a motion to adopt the Agenda as amended, duly 2nd, approved unanimously. Secretary, Laurie Busse, read the Call of the Meeting.

Continued Application # 01-10: Jonathon and Rosetta Rhodes, 35 Bogus Hill Road, for variances to zoning regulations for the purpose of legalizing the expansion of the house and deck.

John Apple made a motion to bring Continued Application # 01-10 to the floor, duly 2nd, approved 5-0.

Caren Silva agent for the Rhodes' approached the Board and recapped on last month's meeting. The addition from prior Variance 31-08 issued in July 2008 went where the existing deck was. The deck had been enlarged by at least 1' by the prior owner without permits. The deck expansion occurred sometime after 1986 when a survey had been done but before selling the home to the Rhodes 4 years ago. Ms. Silva said given the small scale of the survey, she was not able to pick up on the 1' enlargement. A letter from CJOJ LLC was read into the meeting. This letter indicated they had done a survey in May of 1986 and the last survey was on 12/23/2009. They cannot guarantee that this is the same deck in the 1986 survey. Discussion followed if this application was in front of the Board tonight, would they have granted the Variance?

John Day asked if there was any further public comment—none heard.

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

In the business session the Board discussed issues with the increase in nonconformity however, the increase is less than 1'.

John Day made a motion to grant the Variance for a side setback of 15.2 not subject to the plans as submitted but rather subject to the construction all ready in place. The hardship is incorporated by reference of prior Variance 31-08, duly 2nd, approved 5-0.

Minutes: John Apple made a motion to approve the Minutes to the February 18, 2010 meeting as presented, duly 2nd, approved 5-0.

Application # 03-10: Jerome J. Bielizna, for variances to zoning regulations for the purpose of constructing a garage and a breezeway.

Joe DePaul made a motion to bring Application # 03-10 to the floor, duly 2nd, approved 5-0.

Mr. and Mrs. Bielizna approached the Board along with their contractor Steven Dee. They explained their plans to construct a garage at the end of their driveway and connect it to the house via a breezeway. They are already parking in the driveway and not on the street. The existing front setback is conforming at 42.5'. The proposed construction will change the front setback to 23.8'. The Board discussed their position on not only increasing nonconformity but changing a conforming setback to nonconforming and looked for other areas to construct the garage. The applicants discussed the steep slope of their lot and the location of the septic. The applicants discussed other homes in the area have garages much closer to the front setback than the one they are proposing. Discussion followed. The height of the garage was discussed. The plans submitted showed the garage as 1 ½ stories with a finished room above. The applicants stated they are proposing to change the height to 1 story with attic storage and drop down stairs. The attic storage will not be accessible from inside the house. The new proposed height will not be higher than the existing home. Board members wanted plans showing the reduction in height as well as an "As Built" showing the location of the septic system.

John Day explained how to move forward with the application. The applicants stated they would like to continue to the April 15 2010 meeting.

John Apple made a motion to continue the matter to the April 15 meeting, duly 2nd, approved 5-0.

Tape Fees: Discussion followed on the recent numerous requests for tape copies and the fee of \$5 per tape does not cover the costs of the tape as well as the secretary's time. Discussion followed. The consensus of the Board is to increase the tape copy fee from \$5 per tape to \$20 for the 1st tape and \$10 for each additional tape. The Chairman will contact the BOS regarding this matter.

John Apple made a motion to adjourn the meeting at 8:30pm, duly 2nd, approved 5-0.