

**New Fairfield Zoning Board of Appeals  
New Fairfield Connecticut 06812  
MINUTES  
Meeting  
December 17, 2009**

The New Fairfield Zoning Board of Appeals held a public hearing followed by a business session at 7:00pm on Thursday December 17, 2009 in the New Fairfield Free Public Library. Secretary Laurie Busse took the minutes.

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

ZBA members absent: Jack Machinko

Town Officials in attendance: Maria Horowitz, CZEO

Chair John Day called the meeting to order at 7:08pm introduced the Board members and explained the meeting process and voting procedures of a 4 member Board.

Secretary Laurie Busse read the proposed agenda for the meeting. John Day asked for any amendments or changes to the agenda, noting he did not want to add the election of officers onto the Agenda due the only representation from the Democratic Party was absent. John Apple made a motion to adopt the Agenda as read, duly 2<sup>nd</sup>, approved unanimously. Secretary, Laurie Busse, read the Call of the Meeting.

**Continued Application # 32-09:** Anand Kanakagiri, 2 Candlewood Isle Causway, for variances to zoning regulations for the purpose of constructing a front porch.

There was no one present to represent this application. Maria Horowitz stated correspondence had been received from the applicant stating he would like to withdraw his application.

**Appeal # 33-09:** Leigh Sleight, 30 Inglenook Drive, to appeal a Cease and Desist Order issued on September 15, 2009 regarding the conversion of a detached garage into a second residential dwelling.

John Apple made a motion to bring Appeal # 33-09 to the floor, duly 2nd, approved 4-0.

The applicants requested to continue the appeal to the next regular meeting hoping for a Board of 5. Chairman Day explained they had to open the appeal tonight rather than leave it unopened due to time constraints.

**Application # 34-09:** Knollcrest Tax District, 18 Windmill for variances to zoning regulations for the purpose of constructing a shed over an existing concrete slab.

John Apple made a motion to bring Application # 34-09 to the floor, duly 2nd, approved 4-0.

Mark Cronk, President of the Knollcrest Tax District approached the Board and explained due to a State Mandate he must water proof the concrete slab, which acts as a roof to the underground pump house. He explored other options such as putting plastic over the slab, but this would be destroyed by the elements and people walking on it. Another option was to construct just a roof over the slab but this would prevent access to the pump house if it ever required maintenance. The shed will not exceed the concrete slab footprint and will be 11' X 37' and 6' high at the peak. Pictures were submitted into the record. The Board discussed the top of the pump house is the concrete slab and is at grade level, which is not within the ZBA's jurisdiction, therefore it would be an increase in nonconformity. The Board discussed the Knollcrest Tax District has the right to protect their water system and the Board approved similar projects for Consolidated School and the Candlewood Tax District.

Maria Horowitz stated the shed is to benefit the health, safety, and welfare of the community and she does not have any issues with it so long as it does not exceed the existing footprint of the concrete pad, noting the shed will be 6' high which is considerably lower than that of a home.

The Board discussed the setbacks for sheds and how close the neighbors were. The setbacks were not an issue. The property can never be developed because there are two 30,000 gallon tanks under ground. There are six wells in the community that funnel into this pump house and there is 60,000 gallons of reserve water.

John Day asked for any further public comment—None Heard.

John Apple made a motion to enter the Business Session duly 2nd, approved 4-0.

In the Business Session the Board discussed flexibility of increasing nonconformity to protect the water supply, which was mandated by the State. If the concrete slab was within the ZBA's jurisdiction this would be comparable to a vertical expansion. There will be no adverse impact on the neighbors.

John Day made a motion to grant the Variance for a shed subject to the plans submitted. The hardship is the irregular shape and size of the property, noting there is a nominal increase in nonconformity which is being erected over a legally grandfathered pump house, further noting the shed will be narrower and lower than any home. Duly 2nd, approved 4-0

**Minutes:** John Day made a motion to approve the Minutes to the November 19, 2009 meeting as presented, duly 2nd, approved 4-0-1.

**Application # 35-09:** Brian and Kathryn Johannssen, 200 Route 39 for variances to zoning regulations for the purpose of constructing a 2<sup>nd</sup> story to the garage.

John Apple made a motion to bring Application # 35-09 to the floor, duly 2nd, approved 4-0.

Brian Johannssen approached the Board. The house was built in the 1700's and the attached garage with a shed on the same footprint was built in the 1950's. The shed portion of the garage is deteriorating. Mr. Johannssen is proposing to tear down and rebuild over the same footprint the shed portion of the garage and construct a gabled

roof over the entire existing garage. There will be outside stairs to grade. The roof will go straight up and he will not exceed the existing footprint of the garage/shed. The garage will not be any higher than the existing home. Discussion followed that he would have to submit a survey to Maria Horowitz for the impervious surface coverage. The applicant had an updated survey showing the impervious surface coverage was at 9.4%. The updated survey also showed the existing rear setback was at 8' and not the advertised 10'. John Day explained how to move forward with the application. The applicant will continue to the next regularly scheduled meeting. John Apple made a motion to continue the application to the January 21, 2010 meeting duly 2nd, approved 4-0.

John Day made a motion to adjourn the meeting at 8:20pm, duly 2nd, approved 4-0.