

**New Fairfield Zoning Board of Appeals  
New Fairfield Connecticut 06812  
Meeting  
MINUTES  
July 16, 2009**

The New Fairfield Zoning Board of Appeals held a special public hearing followed by a business session at 7:00pm on Thursday July 16, 2009 in the New Fairfield Free Public Library. Secretary Laurie Busse took the minutes.

ZBA members in attendance: John Day, Chair, Maureen Walker, Vice Chair, Michelle Rhyce, and Bob Jano

ZBA members absent: John Apple and Joe DePaul

Town Officials in attendance: Maria Horowitz, CZEO

Chair John Day called the meeting to order at 7:03pm introduced the Board members and explained the meeting process and voting procedures.

Secretary Laurie Busse read the proposed agenda for the meeting. John Day made a motion to adopt the Agenda as revised by adding a discussion on a proposed project for the paving of Company A Fire House to be used as a commuter lot, duly 2<sup>nd</sup>, approved unanimously. Secretary, Laurie Busse, read the Call of the Meeting.

**Application # 22-09:** Courtney and Jason Woodin, 12 Shermerhorn Drive, for variances to zoning regulations for the purpose of enlarging a deck.

Bob Jano made a motion to bring Application # 22-09 to the floor, duly 2nd, approved 5-0.

Jason Woodin approached the Board stating the advertised rear setback of 9' is incorrect; it should be 22'. Discussion followed since the proposed project is within the advertised setback; there is not an advertising issue. Mr. Woodin explained his plans as follows. There are two decks on the house both of them are 8' off the ground. The first deck is 8' x 12' x 3' which will remain unchanged. Mr. Woodin is proposing to change the deck that is 13' x 3' to 13' x 12'. This will change the rear setback from 31' to 22'. The lot is 1/3 of an acre. The house is approximately 30' x 60'. Variance # 44-03 was issued in December 2003 for the purpose of constructing the home and the decks, noting they were built to the plans as submitted. Due to the slope and ledge in the rear of the property the septic system is in the front of the house. The Board discussed their position on increasing nonconformity. Some Board members discussed a previous application on Merlin Drive with a similar situation, noting that house was also built with a 3' wide deck and the Board denied their request to enlarge that deck.

John Day explained how to move forward with the application. Mr. Woodin requested a short break to call his wife and review their options. John Day made a motion for a 10 minute break, duly 2nd, approved 5-0.

Back from the break, Mr. Woodin stated he would like the Board to vote on the plans as submitted. John Day reiterated the 6 month rule. Maria Horowitz stated she does not want to see an increase in nonconformity and advised Mr. Woodin that he would be able to construct a deck that is 2' from the ground with the required railings that would not require a Variance. Discussion followed structures that are 2' from grade are not within the zoning regulations. .

John Day asked for any further public comment—none heard.

Jack Machinko made a motion to enter the Business Session, duly 2nd, approved 5-0.

In the Business Session, the Board discussed the previous Variance was to construct the house. There is no nonconformity in the front of the house due to the septic system being located there. The rear of the home is already nonconforming and the proposed deck increases nonconformity by 9'.

John Day made a motion to grant the Variance for a rear setback of 22' subject to the plans as submitted. The hardship is the ledge and irregular size of the lot, duly 2nd, denied 0-5.

**Minutes:** Bob Jano made a motion to approve the Minutes to the June 17, 2009 meeting as presented, duly 2nd, approved 5-0.

**Discussion Item:** Proposed Project for the Paving of Co-A Firehouse Parking Lot to Be Used As a Commuter Parking Lot

John Day made a motion to bring the Discussion Item to the floor, duly 2nd, approved 5-0.

John Day read a letter from 1<sup>st</sup> Selectman John Hodge dated June 17 2009 into the meeting. The letter stated it is a required procedural issue to request feedback from Boards/Commission regarding this matter. This item is only for comment and we will not vote on it. Secretary Laurie Busse stated she spoke to the Director of Public Works and he offered the following comments:

- The plans have already been submitted to the DOT for approval, noting the DOT may request changes.
- All parking spots are up to code. The number of regular parking spots will remain the same and they will be 10' x 20 in size.
- The Handi Capped spots will be 15' x 20' in size with an additional handi capped spot on top.
- One parking space across from the bay opening has been removed to allow the ladder truck to have access and a turning radius.
- There will be painted islands in key locations.

The Board discussed the proposed project will be paid for with Federal Stimulus money. There will be no change in use and no cost to the Town. Some Board members pointed out the plans include repaving the Police Dept. as well as the Firehouse. Discussion followed. The consensus of the Board is that there are no objections or concerns to the proposal as we understand it.

Bob Jano made a motion to adjourn the meeting at 8:10pm, duly 2nd, approved 5-0.