

**New Fairfield Zoning Board of Appeals
New Fairfield Connecticut 06812**

**MINUTES
May 15, 2008**

The New Fairfield Zoning Board of Appeals held a regular public hearing followed by a business session at 7:00pm on Thursday May 15, 2008, in the New Fairfield Free Public Library. Secretary, Laurie Busse, took the minutes.

ZBA members in attendance: John Day, Chairman, Bob Jano, John Apple, Joe DePaul and Jack Michinko.

ZBA members absent: Maureen Walker, Vice Chairman

Town Officials in attendance: None

Chairman, John Day called the meeting to order at 7:00pm, introduced the Board members and explained the meeting process, voting procedures, and standards for a variance. John Day gave the definition of a recusal.

Secretary, Laurie Busse read the proposed agenda for the meeting. John Day made a motion to adopt the Agenda duly 2nd approved 5-0. Secretary, Laurie Busse, read the Call of the Meeting.

Continued Application # 09-08: Louise Arpaia, 1 Carleon Road, for variances to zoning regulations for the purpose of constructing a single family home.

Joe DePaul made a motion to bring Continued Application# 09-08 to the floor, duly 2nd, approved 5-0.

Joe Reilly, contract purchaser approached the Board and explained his plans to build a 28' x 50' 2 bedroom with den raised ranch. The home will have a 2-car garage and a 10' x 12' rear deck with stairs to grade. The proposed home is on a corner lot. The legal address of the house is 1 Carleon Road; however, this portion of Carleon is a paper road. The house will face Clement Road. The driveway will be on Clement Road. A letter dated 2/14/2008 from Rich Jackson, Town Sanitarian was read into the meeting. The letter stated the well and septic system were in the only possible locations. The Board discussed the odd shape of the lot and their position on building a home on small nonconforming lots. John Day read a letter from Irene Gardocki dated March 10, 2008 into the meeting. The letter outlined her concerns regarding parking issues.

John Day asked for public comment—as follows:

Morris Mele: inquired which way the house would be facing. The Board outlined the plans for Mr. Mele. Mr. Mele was concerned with the driveway being located on Clement. Although there is a garage, guests will have to park on the very narrow street. Mr. Mele was also concerned with the size of the home and would like it to be smaller

and pushed further away from the road; noting the plans show the home will be 36.5' from the road.

Jeannette Mele: Discussed in length the parking issues in the area, the road is extremely narrow, and 2 cars cannot pass each other.

Aaron Harold: stated he lives across the street from the property. These roads are private roads and cannot handle construction vehicles. Is Mr. Reilly going to repair the road? The Board explained this is not within their jurisdiction and suggested they contact the tax assessor to see who owns the roads.

Irene Gardocki, 7 Kingston Road: further discussed the parking issues on a small narrow road.

The Board discussed what is within their jurisdiction and their position on building on nonconforming lots. The home cannot be moved back any further because the Town Sanitarian stated the septic and well are in the only possible locations. The 2-car garage is within the footprint of the home, so the house itself is a modest size.

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

Bob Jano made a motion to move into the Business session, duly 2nd, approved 5-0.

In the Business session the Board discussed decreasing the size of the home and doing away with the garage would only increase the problem with cars being parked on the street. In addition the Town Sanitarian stated the septic and well are in the only possible locations which prevents the house from being pushed further away from the setback. The Board discussed their position on building on small nonconforming lots. Further discussion focused on the house faces the only working road, Clement Road, the other road, Carleon is a paper road.

John Day made a motion to grant the variance for two front setbacks to 36.5' and 27.5' and a rear setback to 43' subject to the plans as submitted noting the home has a 10' x 12' deck with stairs to grade. The hardship is the 2 fronts and small size of the property duly 2nd, approved 5-0.

Minutes: John Day made a motion to approve the Revised Minutes to the Regular Meeting on April 17, 2008 duly 2nd approved 4-0-1. Joe DePaul abstained. John Day made a motion to approve the Minutes to the Special Meeting on April 24, 2008, duly 2nd, approved 4-0-1. John Apple abstained.

Application # 15-08: Michael Altman, 55 Lake Drive South, for variances to zoning regulations for the purpose of expanding an existing deck.

Joe DePaul made a motion to bring Application # 15-08 to the floor, duly 2nd, approved 5-0.

Jozsef Solta, architect, approached the Board and explained his plans to expand the deck by 6'. This will bring him 10' away from the 440 Contour Line. The total square footage of the expansion will be 101sqft. Lot coverage is also an issue; they are currently at 19.4% lot coverage. The deck expansion will take them to 21.3% lot

coverage. The applicants can take down the shed to help reduce lot coverage, but would prefer not to. The Board discussed there is a previous Variance # 18-92 to build a deck to 17.2' from the 440 Line. Discussion focused on the existing deck is 3' closer to the 440 Line than the variance allowed. The Board discussed their position on varying a previously approved variance especially one that increases nonconformity as well as their position on going over lot coverage. The applicant stated he could eliminate the posts, the Board discussed this would have a minimal impact. The Board discussed another Variance # 27-91 for a 2nd story dormer.

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

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

In the business session the Board discussed a hardship existed because of the previous variances, but not enough of a hardship to vary a variance, which would not only increase nonconformity but also go over lot coverage.

John Day made a motion to grant the variance with a rear setback to 10' subject to the plans as submitted the hardship is the irregular size and slope of the lot noting the motion does not speak to the nonconformity of the prior Variance # 18-92, duly 2nd, denied 0-5.

Application # 16-08: Philip and Patricia Cracchiola and James Okas, 4 Camp Arden Road, for variances to zoning regulations for the purpose of expanding the dormers.

Bob Jano made a motion to bring Application # 16-08 to the floor, duly 2nd, approved 5-0.

Dan Lamb, Architect approached the Board and submitted a letter from the property owners authorizing him to act on their behalf. Dan Lamb explained these are 2 separate lots and there is a trail or an easement to pass and repass. The plans are to go straight up. There will be 2 small dormers on either side of the larger dormer. They will maintain the gable ends and they will push the eaves up not out. A height Variance is not needed and there will be no impact on the neighbors. The dormers will not exceed the footprint on the ground and will not increase nonconformity. The house will increase to 3 bedrooms; however, they have an approved 3 bedroom septic from the Town Sanitarian.

John Day 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; there is no change to the footprint on the ground, a height variance is not needed and the height will not exceed the existing dormer, the number of bedrooms will increase but it is in line with the approved septic system.

John Day made a motion to grant the variance for a front setback of 5.8' subject to the plans submitted, noting there is no increase in nonconformity. The hardship is the irregular size and shape of the lot duly 2nd, approved 5-0.

Application # 17-08: Joseph Mandracchia, 6 Kingsbury Road for variances to zoning regulations for the purpose of constructing a 14' x 20' carport.

Bob Jano made a motion to bring Application # 17-08 to the floor, duly 2nd, approved 5-0.

The applicant approached the Board and explained in December 2007 the Board denied his application. Since then he has revised his plans from an expansion on the ground that would increase nonconformity to a vertical expansion. He will keep the box bay window, which extends out 20" but will not come any closer to the front setback than the existing 6' push out. The rear bumpout encroaches on the side, but will be no closer to the setback than the existing home; it just extends the line of nonconformity. Mr. Mandracchia discussed the layout of the addition and the addition underneath the copula will have 10' ceilings thus, the copula could not be used for living space.

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

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

In the business session the Board discussed the applicant did a good job of listening to the Board's concerns. The footprint is extended but does not increase nonconformity.

John Day made a motion to grant the variance for a front setback of 20' and 2 side setbacks to 14.1' and 17.4' subject to the plans as submitted; noting there is no increase in nonconformity. The hardship is the small shape and size of the lot duly 2nd, approved 5-0.

The Board discussed the size of houses that could be put on small nonconforming lots and if those houses had a garage how it would impact parking both on and off the street.

John Day made a motion to adjourn the meeting at 8:55pm duly 2nd approved 5-0.