

# ***Borough of Newtown Zoning Board of Appeals Newtown, Connecticut***

## **THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOROUGH OF NEWTOWN ZONING BOARD OF APPEALS**

Minutes of Meeting of October 23, 2019

Minutes of the meeting of the Borough of Newtown Zoning Board of Appeals on October 23, 2019 at Old Court Room, Edmond Town Hall, 45 Main Street, Newtown. Chairman John Madzula called the meeting to order at 7:05 p.m.

**Present:** John Madzula, Mary Thomas, Jane Maher, Patricia Antal and John Fletcher.  
**Absent:** Kathy Geckle.  
**Staff Present:** Rob Sibley, Borough ZEO, and Maureen Crick Owen, Clerk.  
**Public:** Thomas NeJame of NeJame & Sons, Elizabeth Myer and Paul Robinson.

*Docket B19-01: Application of NeJame & Sons of Danbury on behalf of Elizabeth Meyer and Paul Robinson for a variance to Section 5.04 of the Borough zoning regulations so as to permit a 7' setback from the side yard and an 11' setback from the rear of the property for the construction of an inground swimming pool. The property is located at 6 Elizabeth Street in a R-1 Zone in the Borough of Newtown.*

Chairman Madzula opened the public hearing at 7:05 p.m. Mrs. Maher read the legal notice. Chairman Madzula stated that the following members would be voting on this application: John Madzula, Jane Maher, Mary Thomas, Patricia Antal and John Fletcher. Thomas NeJame of 91 South Street, Danbury presented the application on behalf of the owner, Elizabeth Myer, regarding the property at 6 Elizabeth Street. Mr. NeJame said that the hardship is that this is the only location that the pool can be put and the proposed location would tie into the existing patio. Mr. Madzula inquired about the A-2 survey. One was not submitted. Mr. NeJame said it was a free form inground pool with dimensions of approximately 15' x 28'. He said the stairs to the pool would be coming off the existing patio. The deepest end of the pool would be about 5-5.5'. Mr. NeJame said that the lot is relatively flat. He said there is a stockade fence which creates privacy. Mr. Madzula said he walked the site and said it is tight. Mr. Madzula said only the water's edge is considered for the variance. Mr. NeJame said there is no proposed deck around the pool as of right now. Mr. Madzula said that in hardship they normally look for topo issues but in this case they do not have topo hardship. Mr. Madzula asked where the equipment would go. Mr. NeJame said that the equipment would be tucked on the side of the home and would not encroach in setback.

Mr. Sibley stated that he asked the applicant to bring an A-2 survey. He said that the lot is .6 acre and is a pre-existing non-conforming lot. He also said he does not know what sewer and water lines might exist and should be shown on the A-2 survey. Mr. Sibley also stated that the 11' setback did not require a variance because of the shed location currently on the property.

Mr. Madzula asked if there was anyone to speak. The owner, Elizabeth Myer, said that no neighbors have come forward and that there is a full privacy fence. There was no public to speak against the application.

The public hearing is continued to Thursday, November 14, 2019 at 7:00 p.m. at the Old Court Room, Edmond Town Hall, 45 Main Street, Newtown. The applicant was asked to submit the A-2 survey to Mr. Sibley in advance of the November 14<sup>th</sup> meeting so that it could be distributed to the members for their review.

#### MEETING:

Borough ZEO Report: Mr. Sibley stated he welcomed communication from the members with any questions they may have and that he is always available.

#### Old Business:

1. Discussion and possible decision re: public hearing and application of NeJame & Sons of Danbury on behalf of Elizabeth Myer for a variance to Section 5.04 regarding 6 Elizabeth Street – tabled.
2. Any other old business - none.

#### New Business:

1. 2020 Meeting Calendar – Mrs. Maher made a motion to approve the 2020 meeting calendar for the Borough ZBA, seconded by Mr. Fletcher and unanimously approved.
2. Any other new business – none.

Motion was made by Mr. Fletcher to adjourn the meeting at 7:42 p.m., seconded by Mrs. Maher and unanimously approved.

Respectfully,

Maureen Crick Owen  
Borough ZBA Clerk