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TOWN OF NEWTOWN
ZONING BOARD OF APPEALS

MINUTES
REGULAR MEETING
Wednesday June 6, 2018 at 7:30 PM
Meeting Room 3, 3 Primrose Street

These minutes are subject to approval by the Zoning Board of Appeals.

Present: Alan Clavette, Barbara O'Connor, Jane Sharpe, Prerna Rao, Ross Carley, Joe Bojnowski, Christina Paradis

Also Present: Rob Sibley, Deputy Director of Land Use

The meeting was opened at 7:32 PM

Mr. Clavette asked for a motion regarding the minutes. Ms. Paradis noted that she was late but not included as "present". Ms. O'Connor made a motion to accept as revised, Ms. Sharpe seconded. Minutes were unanimously approved.

Ms. O'Connor read a call for the following:

Docket 18.08 by 8 Shady Rest Boulevard LLC to apply for a variance at 8 Shady Rest Boulevard, of section 7.04.100 of the Zoning Regulations of the Town of Newtown so as to permit an amendment of a variance dated July 9, 2015 to change the footprint of proposed home construction as shown on a set of plans titled "Data Accumulation Plan Depicting Proposed House, Assessors Map 42, Block 7, Lot 5, #8 Shady Rest Boulevard, Newtown, Connecticut, Prepared for Gary Gilroy" dated 4-28-18.

Applicant Gary Gilroy purchased a lot that was deemed buildable by a variance in 2015. He explained that when coming in with building plans, his footprint and configuration was different. It was an overall similar footprint. The hearing was opened to the public. With no participation, the hearing was closed at 7:38PM.

Docket 18.09 by Lucas Clunan to apply for a variance at 22 Nearbrook Drive, of Chart VII-I of the Zoning Regulations of the Town of Newtown so as to permit the construction of a deck within the rear setback, as shown on a set of plans titled "Proposed Zoning Location Survey Prepared for Lucas and Katherine Clunan, Pootatuck Estates – Lots 84-96, MBLU 36-15-84-96, 22 Nearbrook Drive, Newtown, Connecticut" dated 4-25-18.

Applicant Lucas Clunan presented the certified mailers and affidavit to the Commission. He explained that his lot extremely narrow and restricted. The only location for a deck would be the location on the plans due to a garage, utilities and well. His request is for a variance of the rear setback. The hearing was opened to the public. With no one wishing to speak on the application the hearing was closed at 7:44PM.

Docket 18.10 by Michael D'Aquino to apply for a variance at 9 Pootatuck Trail, of Chart VII-I of the Zoning Regulations of the Town of Newtown so as to permit the construction of an addition and deck closer to the property line than the setbacks allow as shown on plans titled "Zoning Location Survey Prepared for Donna M. D'Aquino and Michael C. D'Aquino, 9 Pootatuck Trail, Newtown, Connecticut" dated 4-25-18

Applicant Michael DAquino presented the Commission with the certified mailers and affidavit. He explained that his property is in the shape of a "T". His goal is to make an addition to square off his house, which crosses the 25 side yard setback. He said that the deck project is not immediate, but he wanted to receive approval with this application for the future. Mr. Clavette noted that there is a good amount of acreage, but it is not 'useable' for anything having to do with the house, due to its location. Commissioners were discussing the drawing that was submitted with the application and the distances from the property line. Mr. Sibley asked why there was no A-2 survey submitted with the application. Mr. DAquino noted a survey in the file. Mr. Clavette explained that the survey needed to include the proposed structures, not just the existing conditions. Mr. DAquino submitted a letter to the record from his neighbor at 2 Moccasin Trail. Mr. Clavette mentioned that the chicken coop needs to be removed from the property.

The application was tabled until the applicant was able to return with a property A-2 Survey.

Docket 18.11 by John Bello, to apply for a variance at 29 Philo Curtis Road, of § 9.03.210 and 9.03.310 of the Zoning Regulations of the Town of Newtown so as to permit the construction of a barn addition to house new equipment that is safer, cleaner and quieter, as shown on a set of plans titled "Proposed Site Plan, 29 Philo Curtis Road, Town of Newtown Connecticut, Owner Bello Motor Sports, LLC" dated 3-19-18.

Applicant John Bello and Agent Stuart Sachs came forward and submitted the certified mailings and affidavit for the record. Mr. Sachs noted that the previous application had an error on the submission, so this is a correct version stating a Variance. He explained that as Mr. Bello's son has gotten older, his need for better technologies has increased. The request is for a space big enough to allow his son's hobby to grow and have the newer, quieter and safer machinery. Ms. O'Connor and Mr. Sibley recalled details from the original variance that approved Mr. Bello's use. Ms. Rao asked questions about expansion of non-conforming use due to the addition or size and machinery. Mr. Sibley offered some clarification about replacement of existing machinery. The planting plan has been updated to reflect trees of 10', with a total of 97 being planted on site. The hearing was opened to the public.

Steve Antal, 34 Pearl Street, had submitted a letter by himself and two neighbors at the meeting of April 18th, 2018. He read and submitted the letter for the record. He asked for clarification on the number of vehicles on site at a time.

Peter Leone, 31 Pearl Street, explained that this project is growing by number of cars and the size of the building. He wasn't sure how the enforcement would work if Mr. Bello were to bring in more cars.

Srikanth Mukka, 36 Pearl Street, noted the cars and traffic that he has noticed to this site in the last year. He is also concerned about security.

Pat Antal, 16 Juniper Road, talked about the clearing of trees. She also said that machinery and computers are constantly changing. She said now they are getting smaller, but the size of this machinery is huge. Another concern of hers was the landscaping due to grade.

Mr. Sachs gave a rebuttal to the public participation. Ms. Rao asked what machining was being done in the shop currently. Mr. Bello said that the machining is being done near Hartford. Ms. Rao asked if it is primarily being used for storage. Mr. Bello said they work on the cars but do not do fabricating at this location because they ran out of space.

The hearing was closed at 9:25PM.

ACTION:

Docket #18.08

Ms. Sharpe made a motion to accept Docket #18.08 because there is no substantial change to the previously approved application. Ms. O'Connor seconded. The commission took a vote:

Mr. Clavette AYE	Ms. O'Connor AYE
Mr. Carley AYE	Ms. Sharpe AYE
Ms. Rao AYE	

Docket #18.09

Ms. O'Connor made a motion to accept Docket #18.09 due to the shape of the lot and utilities. Mr. Carley seconded. The commission took a vote:

Mr. Clavette AYE	Ms. O'Connor AYE
Mr. Carley AYE	Ms. Sharpe AYE
Ms. Rao AYE	

Docket #18.10 was tabled until the applicant submits an A-2 Survey.

Docket #18.11

Mr. Clavette made a motion to deny Docket #18.11 due to the substantial increase of the non-conformity and an increased size of the building would increase the non-conformity. Ms. Rao seconded. The commission took a vote:

Mr. Clavette AYE	Ms. O'Connor AYE
Mr. Carley AYE	Ms. Sharpe NAY
Ms. Rao AYE	

With no other business, Ms. Rao made a motion to adjourn. Mr. Carley seconded. The meeting was adjourned at 10:11PM.

*Respectfully Submitted,
Georgia Contois, Clerk*