

3 PRIMROSE STREET
NEWTOWN, CONNECTICUT 06470
TEL. (203) 270-4276
FAX (203) 270-4278



TOWN OF NEWTOWN
ZONING BOARD OF APPEALS
MINUTES

Regular Meeting
Wednesday May 3, 2017 at 7:30 pm
Municipal Center – Meeting Room 3

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

Present: Charles Annett III, Barbara O'Connor, Alan Clavette, Jane Sharpe, Ross Carley, Joseph Bojnowski, Stephen Singlak

The meeting was opened by Chairman Annett at 7:30pm.

Docket # 17-03 Application by Brian Shepard, for a property located at 25 Cricket Trail, to apply for a variance of Chart V11-1 Area, Height and Yard Requirements of the Zoning Regulations of the Town of Newtown so as to permit “a shed sized 24’ by 24’ within the side and rear setbacks” as outlined on a map titled “Proposed Shed Addition prepared for Brian and Jill Shepard, 25 Cricket Trail, Sandy Hook, Connecticut” dated March 29, 2017

Mr. Shepard explained the constraints of his lot from the odd shape, size, topography and request for a septic reserve from the Health Department. He is currently using the basement of his residence as a woodshop, and would like to build a detached structure to use instead. Mr. Shepard stated that this work is for personal use and will not be for a commercial business. He submitted the mailers and letters from two neighbors in favor of the application. Hearing no other questions, Mr. Annett closed the hearing at 7:44 pm.

Docket # 17-04 Application by 636 Cooke Street, LLC., for a property located at 71 Lakeview Terrace, to apply for a Correction of Alleged Error in a decision of the Zoning Enforcement Officer who on March 6, 2017 denied a zoning permit by Robert Prior, agent for 636 Cooke Street, LLC., to build a house at 71 Lakeview Terrace, Newtown Connecticut.

Attorney Hall, 43 Main Street, came forward as the agent for the applicant. He informed the Commission that he had failed to send the mailings to the abutters within the 10 day period, and asked to have the hearing continued to the next meeting in order for him to alert abutters properly. Mr. Annett made a motion to continue Docket 17-04 until June 7, 2017. Ms. O'Connor seconded. All were in favor.

Docket # 17-05 Application by Mark Marsic and Donna Mandulak for a variance of the Chart VII-I Area, Height, and Yard Requirements of the Zoning Regulations of the Town of Newtown so as to permit “an addition to the existing home that impedes the side setbacks” as outlined on a map titled “Plot Plan of Addition Lots 26 & 25, Riverside, Block H, Prepared for Mark Marsic and Donna Mandulak, 49 Forest Drive, Sandy Hook, CT” dated March 27, 2017.

Mr. Marsic gave Commissioners the mailers and photos and explained their 360 square foot house which has a sleeping loft and small sun porch. The applicants would like to remove the sun porch and build an addition of 340 square feet for a living room and a single bedroom, with a walkout basement space below due to the grade. Mr. Marsic explained that the lot is roughly 50’ by 330’, which means that the entire property is within the side setbacks. The location of the septic tank also presents a challenge for the dimension of the proposed addition. Mr. Annett also mentioned a shed and carport on the property which do not have proper permits and asked the applicant to talk to the Land Use Dept. to remedy.

Docket # 17-06 Application by John Bello, for a property located at 29 Philo Curtis Road for a variance of section 9.03.220 of the Zoning Regulations of the Town of Newtown so as to “improve non-conforming

building for personal use as an automotive-hobby facility; not open to public, no retail or commercial sales or service, no commercial signs” as outlined on plans titled “Improvement Location Survey prepared for Jokrs, LLC., 29 Philo Curtis Road, Newtown, Connecticut” dated April 7, 2017.

John Bello, 12 Glenmore Drive, Jokrs, LLC, came forward with the agent Stuart Sachs, PLA. Mr. Sachs gave Commissioners mailers and pictures of the property showing the dilapidated structure which has been most previously used as a machine/welding shop. The applicant plans to use this building for personal automotive storage, and would like to fix up the building; adding some height and pitch to the front of the structure which currently has a flat roof, painting the exterior and removing debris. Mr. Bello explained the cars that his son races as 30 horsepower Bandalero cars, comparing them to starting up a lawnmower. Air compressors or power tools would be no different than those that would be used at someone’s home.

Attorney Hall spoke on behalf of the application, representing CEAC at 27 Philo Curtis. This property is also an industrial use and his client was interested in keeping the pre-existing non-conforming industrial use next door. His only concern was tree clearing that would open the CEAC property to the road. The applicant confirmed that that area of the lot would be left as is.

The Commission decided to deliberate and vote on the remaining applications.

Docket 17-03: Ms. Sharpe mentioned that due to no opposition from neighbors, she was encouraged to approve the application. Mr. Clavette was concerned about the large size, saying it is larger than some of the homes in the area. He was uncomfortable with allowing a 24’ x 24’ structure. Mr. Clavette made a motion to limit the total square footage of the structure to 400 sq. ft.. Mr. Annett seconded. After discussing, Ms. Sharpe made a motion to amend the motion, to compromise at 480 sq. ft. Ms. O’ Connor seconded and all were in favor.

Docket 17-05: Mr. Annett reminded Commissioners that this space will be for living area, including a walkout basement and attic with storage. Ms. O’Connor made a motion to accept the application for a 340 sq. ft. addition. Ms. Sharpe seconded. All members were in favor.

Docket 17-06: Mr. Clavette read the regulation 9.02.220, stating that the ZBA’s duty is to decide if the application is “less detrimental” than the previous use. Mr. Clavette made a motion to approve the application as a personal use with no commercial sales or service, not open to the public, and no signs as outlined in the application. Ms. O’Connor seconded. All members were in favor.

Mr. Annett asked the Commission to take a vote on the Minutes of April 5, 2017. Mr. Clavette abstained as he was not present at the last meeting. All other members voted “AYE” and the Minutes of April 5, 2017 were approved.

With no other business, Mr. Carley moved to adjourn, Mr. Clavette seconded. All members were in favor. The meeting of May 3, 2017 was adjourned at 8:46 pm.

*Respectfully Submitted,
Georgia Contois, Clerk*