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**TOWN OF NEWTOWN
ZONING BOARD OF APPEALS**

**MINUTES
REGULAR MEETING**

Wednesday, July 6, 2022 – 7:30 PM
Newtown Municipal Center, Shared Meeting Room 3
3 Primrose Street, Newtown CT 06470

Present: Alan Clavette, Ross Carley, Joe Bojnowski, Tiffany Hawley, Prerna Rao, Rachel Rowan

Absent: David Landau, Jane Sharpe

Also Present: Rob Sibley, Deputy Director of Planning, Attorney Michael Lynch, Lynch Law Group, Shelton CT, Helen Fahey, Clerk

Mr. Clavette called the meeting to order at 7:31 p.m.

Public Hearings

Application #22-08 by Terence & Catherine Trow, for a property located at 10 Pinnacle Drive, for a Variance of the Zoning Regulations of the Town of Newtown §7.02.100, Chart VII-1, so as to allow the placement of a shed closer to the property line than the setback allows, as shown on a set of plans entitled “Zoning Location Survey, Prepared for Catherine A. Trow & Terry Trow, 10 Pinnacle Drive, Newtown, CT”, dated June 14, 2022 and supporting documents submitted to the Land Use Agency 6/17/22.

Terence Trow, 10 Pinnacle Drive, explained the purpose of the shed will be to house an antique car. The only spot within the setbacks would be in the woods, without a driveway which is not optimal for storing a car so the proposed location is the only logical spot because it offers driving access. The shed is 12x16. Mr. Trow said he spoke to his neighbors and they approve of the shed location.

Mr. Trow said the shed will not have a foundation. Mr. Carley asked if the structure will be a pre-fab unit and Mr. Trow affirmed. Ms. Rao asked how the structure will be affixed to the ground if there is no foundation. Mr. Trow said the structure will sit on top of a gravel base.

Mr. Carley noted the application calls the structure a shed but the survey calls the structure a garage. He asked Mr. Sibley what the differentiation is between the two. Mr. Sibley explained if a garage is 1,600 sq. ft. or more it requires a special exception otherwise it is recognized as a structure.

Mr. Clavette invited public comment.

*These minutes are subject to the approval of the Board.
Copies of Applications and Documents are on file at the Land Use Agency.*

Catherine Trow, 10 Pinnacle Drive, spoke in favor of the application.

Robert Thomas, Philadelphia, PA, spoke in favor of the application.

With no further comments, Mr. Clavette declared the hearing closed at 7:40pm.

Discussion and Action

Mr. Clavette designated Mr. Bojnowski to vote in place of Ms. Sharpe.

Mr. Carley said he approves of the project because the lot is at the end of a cul-de-sac, the neighbors don't have an issue and the structure fits in with the character of the neighborhood.

Mr. Clavette said the structure being right at the end of the driveway makes the most sense for the intended use.

Ms. Rao said issues with tree clearance and leveling out the rest of the yard contribute to the proposed placement of the structure being OK. Ms. Rao also said the fact that the structure will not be affixed to the ground helps minimize disturbance.

Mr. Clavette made a motion to approve Application 22-08 as the hardship was demonstrated by the intended use of the shed. Ms. Rao seconded.

The Board voted as follows:

Ross Carley - AYE

Alan Clavette - AYE

Prerna Rao – AYE

Rachel Rowan – AYE

Joe Bojnowski – AYE

The motion to approve Application 22-08 carried unanimously.

Executive Session

KORDIK, STEPHEN B. Et Al v. TOWN OF NEWTOWN ZONING BOARD OF APPEALS

Mr. Bojnowski moved to enter executive session to discuss Appellant Proposed Settlement KORDIK, STEPHEN B. Et Al v. TOWN OF NEWTOWN ZONING BOARD OF APPEALS and to invite Mr. Sibley and Attorney Michael Lynch. Ms. Rowan seconded and all were in favor.

The meeting entered into executive session at 7:45pm and returned to open session at 8:40pm with the following motions:

Mr. Carley requested to amend the applicability of Item 8 in the agreement to a 50 year statute of limitation on the property. Mr. Bojnowski so moved. Ms. Rao seconded. All were in favor and the amendment was approved.

Mr. Bojnowski moved to grant the Zoning Enforcement Officer authorization to sign the Proposed KORDIK, STEPHEN B. Et Al v. TOWN OF NEWTOWN ZONING BOARD OF APPEALS Settlement as amended. Ms. Rao seconded. All were in favor and the motion carried.

Minutes

Mr. Carley made a motion to approve the minutes from the meeting of June 1, 2022. Ms. Rowan seconded. All were in favor and the minutes from the meeting of June 1, 2022 were approved.

Adjournment

Ms. Rowan moved to adjourn the meeting. Mr. Bojnowski seconded. All were in favor and the meeting was adjourned at 8:44 p.m.

*Respectfully submitted,
Helen Fahey, clerk*