

3 PRIMROSE STREET
NEWTOWN, CT 06470
TEL. (203) 270-4276



**TOWN OF NEWTOWN
ZONING BOARD OF APPEALS**

**MINUTES
REGULAR MEETING**
Wednesday, January 5, 2022 – 7:30 PM
Newtown Community Center, Activity Room A
8 Simpson Street, Newtown CT 06470

Present: Ross Carley, Rachel Rowan, Jane Sharpe, Alan Clavette, Christina Paradis, Prerna Rao, David Landau, Tiffany Hawley

Also Present: Rob Sibley, Deputy Director of Planning, Helen Fahey, Clerk

Mr. Clavette called the meeting to order at 7:35 p.m.

Election of Officers

Mr. Clavette acted as temporary Chairman and Ms. Sharpe acted as temporary Secretary until the slate was voted on.

Mr. Clavette opened the floor for nominations for Chairman.

Mr. Carley nominated Alan Clavette for Chairman. Ms. Sharpe seconded. All were in favor and Mr. Clavette was elected Chairman.

Mr. Clavette opened the floor for nominations for Secretary.

Mr. Clavette nominated Jane Sharpe for Secretary. Mr. Carley seconded. All were in favor and Ms. Sharpe was elected secretary.

Approval of 2022 Meeting Schedule

Ms. Sharpe made a motion to approve the proposed 2022 meeting dates (see below). Mr. Carley seconded. All were in favor and the 2022 meeting dates were approved.

Wednesday, January 5, 2022

Wednesday, April 6, 2022

Wednesday, February 2, 2022

Wednesday, May 4, 2022

Wednesday, March 2, 2022

Wednesday, June 1, 2022

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

Wednesday, July 6, 2022

Wednesday, August 3, 2022

Wednesday, September 7, 2022

Wednesday, October 5, 2022

Wednesday, November 2, 2022

Wednesday, December 7, 2022

Wednesday, January 4, 2023

Public Hearings

ZBA Application #21-10 by Country Campers of CT LLC, for a Certificate of Location Approval for a Dealers and Repairers Permit as required by Section 14-54 of Connecticut General Statutes, for a property located at 201 South Main Street, as outlined on a map entitled “Country Camper, Permitting Set, 201 South Main Street, Newtown” dated 5/3/21 and all supporting documentation submitted to the Land Use Agency dated and received 5/21/21, revised 5/20.

Rob Sibley, Deputy Director of Planning, representing the applicant explained that the applicants are applying to the State for a license and in order to apply for this permit to have a camper dealership they need ZBA approval. Mr. Sibley clarified this application isn't a variance but it is associated with a special permit. The map associated with the application was approved in May 2021 by Planning and Zoning.

Mr. Clavette further explained that this was a special permit required by any dealer or repairer of motor vehicles. Those applying for this permit would come to ZBA for approval that the location is suitable for that kind of activity. The new public law took this requirement away but this law came into effect after this application so that is why it is before the board.

Ms. Rao asked if the statute should be in front of Planning and Zoning rather than ZBA. She recalled in her reading of Statute 14-54 that the size of the town determined which board the application would go in front of. Ms. Rao asked if this application has already been in front of the Planning and Zoning Commission. Mr. Sibley said the site is approved for the activity and is being built right now. This application is specific to their license only. Mr. Sibley will look into Ms. Rao's question on Statute 14-54.

Mr. Clavette made a motion to approve application 21-10 as presented. Ms. Rowan seconded.

The Board voted as follows:

Ross Carley - AYE

Rachel Rowan - AYE

Alan Clavette - AYE

Jane Sharpe - AYE

Prerna Rao - AYE

The motion to approve Application 21-10 carried 5-0.

ZBA Application #22-01 by Tim Baker, for a property located at 20 Pearl Street, for a Variance of the Zoning Regulations of the Town of Newtown §7.02.100, so as to permit the placement of a shed closer to the property line than the setback allows, as shown on a set of plans entitled “Improvement Location Survey, 20 Pearl Street, Newtown, Connecticut” dated 12/04/13 and supporting documents submitted to the Land Use Agency 11/19/21.

Tim Baker of 20 Pearl Street, representing himself, explained that he would like to put a shed on his property but because his yard has a lot of rolls and steeps there is no area within the setbacks to place the shed without affecting his septic system, drains or running into the slopes and rolls.

Mr. Clavette asked how far from the property line the shed will be. Mr. Baker said about 8ft, going any closer would affect the septic system leaching fields. The land starts sloping upward after the leaching fields. Mr. Clavette clarified the shed would be 8ft from the property line so the variance requested would be 17ft.

Ms. Hawley asked if the shed will be on the highest or lowest point of the property. Mr. Baker said the lowest.

Ms. Rao asked what the issue is with the other side of the lot. Mr. Baker explained that the other side has very rocky terrain. Closer to the house, within the setbacks are drain outs.

Ms. Rowan asked what the dimensions of the shed will be. Mr. Baker said 12x16. Mr. Carley asked if the shed will be elevated with blocks and Mr. Baker affirmed.

Ms. Rao looked to clarify the specific variance being asked. Mr. Clavette clarified 17ft.

With no further comments, Mr. Clavette declared the hearing closed at 7:38pm.

ZBA Application #22-02 by Kenneth Chimileski, for a property located at 22 Walnut Tree Hill Road, for a Variance of the Zoning Regulations of the Town of Newtown §7.02.100, so as to permit the placement of a detached garage closer to the property line than the setback allows, as shown on a set of plans entitled “Zoning Location Survey, 22 Walnut Tree Hill Road, Newtown, CT”, dated 6/23/21 and supporting documents submitted to the Land Use Agency 11/19/21.

Kenneth Chimileski, of 22 Walnut Tree Hill Road, explained this is only place to put the garage because of a small pond, dry well and secondary septic field. He said it will be 10ft. off the property line and Mr. Clavette corrected him to 9.5ft as the map shows. Mr. Chimileski shared letters from his neighbors in favor of the application. Ms. Sharpe read the letters aloud (see attached).

Mr. Clavette clarified the hardship is location of other pertinences on the property and that Mr. Chimileski is requesting a variance to place the shed 9.5ft from the property line. Mr. Clavette noticed his neighbors also had a shed close to their property line. He asked Mr. Chimileski about how far away that shed is from the property line and Mr. Chimileski said around the same distance if not a little less.

Mr. Carley stated after visiting the site, the proposed location is the only rational place to put the garage.

With no further comments, Mr. Clavette declared the hearing closed at 8:03pm.

ZBA Application #21-03 by Donna & Scott Solomons, for a property located at 178 Taunton Hill Road, for a Variance of the Zoning Regulations of the Town of Newtown §7.02.100, so as to permit 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, 178 Taunton Hill Road, Newtown, CT”, dated 11/17/21 and supporting documents submitted to the Land Use Agency 12/01/21.

Donna Solomons of 178 Taunton Hill Road explained her 1854 farmhouse is one of the only existing old homes in the center of Dodgingtown. The property was parceled off in the 60s making the property a unique shape. The proposed shed will be for working on the back of the property. The areas to the sides of the pond are very moist so the chosen location is the flattest and driest area on the lot. Placing the shed further up would get in the way of the water, stream and septic tank.

Mr. Clavette asked if there was any possibility to move the shed back on the property a little, further from 302. Ms. Solomons said she could probably shift it a small amount but that would require removing the grasses that help to absorb some of the moisture. Mr. Clavette explained that normally the setback is 50ft. but because it is a corner lot, the application is subject to two 50ft setbacks. One of the hardships could be that it is hard to meet the setbacks on corner lots. Shifting the shed 5ft could help meet one of the side yard requirements. Ms. Solomons said she wasn't sure she could do that.

Mr. Carley visited the property and agreed with Ms. Solomons that the land is quite wet and he could imagine moving too far forward could cause things to sink.

Ms. Sharpe asked what the setback is and Mr. Clavette said the map shows 19.5ft from the property line.

Mr. Clavette invited public comment.

Roy Krueger, 39 Flat Swamp Road, one of the owners of Dodgingtown Garage which is located across the street spoke in favor of the application. He stated there is no rational reason to deny the application.

With no further comments, Mr. Clavette declared the hearing closed at 8:12pm.

Discussion and Action

Mr. Clavette stated the application being discussed is requesting a 17ft variance for the placement of a shed 8ft from the property line.

Mr. Carley said he visited the property and the proposed location seems like the ideal spot because of the upward slope after the gravel area.

Mr. Landau pointed out that the proposed shed is 8ft. from property line and 12ft wide, the septic tank is 25ft so the shed should be 10ft. from septic tank. Mr. Clavette said he recalled the map stated it was far enough away.

Ms. Sharpe made a motion to approve application 22-01 as the hardship was demonstrated by the topography of the property, and the location of the septic system. Ms. Rowan seconded.

The Board voted as follows:

*Ross Carley - AYE
Rachel Rowan - AYE
Alan Clavette – AYE
Jane Sharpe - AYE
Prerna Rao - AYE*

The motion to approve Application 22-01 carried 5-0.

Mr. Clavette stated the variance being requested is 9.5ft from the side yard as well as 23ft from the front yard for the placement of a detached garage.

Mr. Carley made a motion to approve application 22-02 as the hardship was demonstrated by the topography of the property, size of the lot and location of the septic system. Ms. Sharpe seconded.

The Board voted as follows:

*Ross Carley - AYE
Rachel Rowan - AYE
Alan Clavette – AYE
Jane Sharpe - AYE
Prerna Rao - AYE*

The motion to approve Application 22-02 carried 5-0.

Mr. Clavette stated the variance being requested is 19.5ft for the placement of a shed closer to Rt. 302 than setbacks allow.

Ms. Rowan made a motion to approve application 22-03 as the hardship was demonstrated by the irregular shaped corner lot. Ms. Rao seconded.

The Board voted as follows:

*Ross Carley - AYE
Rachel Rowan - AYE
Alan Clavette – AYE
Jane Sharpe - AYE
Prerna Rao - AYE*

The motion to approve Application 22-03 carried 5-0.

Adjournment

Mr. Clavette moved to adjourn the meeting. Ms. Rowan seconded. All were in favor and the meeting was adjourned at 8:25 p.m.

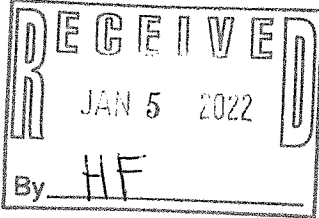
*Respectfully submitted,
Helen Fahey, clerk*

CSILLAG • NABLE
10 Walnut Tree Hill Rd.
Sandy Hook, CT 06482

December 28, 2021

HF 1-5-22

To: Town of Newtown, CT
Zoning Board of Appeals

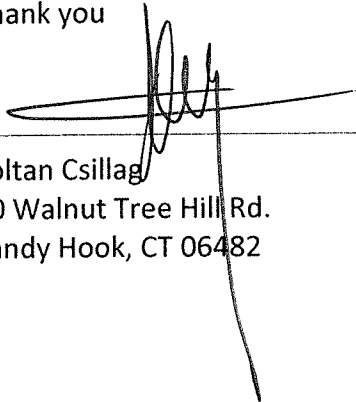


To whom it may concern:

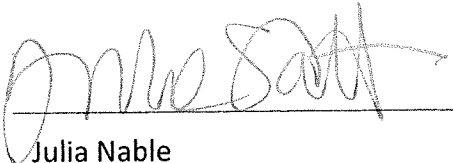
We, Zoltan Csillag and Julia Nable are neighbors of Ken and Barbara Chimileski, who reside at 22 Walnut Tree Hill Rd. Sandy Hook, CT.

We are writing in support of their request to allow for the building of a garage on their property. Below is our signature in support of this project.

Thank you



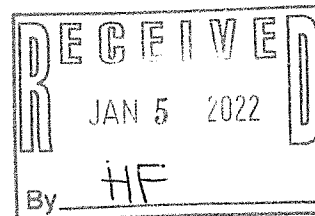
Zoltan Csillag
10 Walnut Tree Hill Rd.
Sandy Hook, CT 06482



Julia Nable
10 Walnut Tree Hill Rd.
Sandy Hook, CT 06482

HF 1-5-22

Jeffrey Nathanson
24 Walnut Tree Hill Rd
Sandy Hook, CT 06482



Dear Newtown Appeals Zoning Board,

I am writing this letter of support for Ken Chimileski at 22 Walnut Tree Hill Road. I received his notification for his proposal via the mail for the addition on his property and have no concerns with any project on his property.

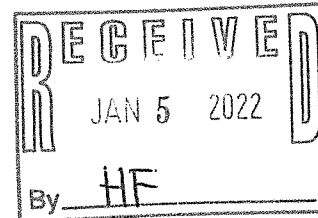
Sincerely,
Jeffrey Nathanson

Jeffrey Nathanson

December 29, 2021

HF 1-5-22

From: Wilson Reinoso
12 Walnut Tree Hill Rd.
Sandy Hook, CT



To: Zoning Board of Appeals
Town of Newtown, CT 06470

Dear Sir/Madam:

My name is Wilson Reinoso and I am writing this letter as a supporter of Ken and Barbara Chimileski, my neighbor who live at 22 Walnut Tree Hill Rd. Sandy Hook, CT.

I am writing to support to vote for their request to allow for the building of a garage on their property.

Thank you.

Sincerely,

Wilson Reinoso

A handwritten signature in black ink, appearing to read "Wilson Reinoso", written over a horizontal line.