



**TOWN OF NEWTOWN**  
**ZONING BOARD OF APPEALS**

**MINUTES**

January 8, 2020 at 7:30 p.m.  
Meeting Room 3, Municipal Center  
3 Primrose Street, Newtown, CT 06470

**Present:** Alan Clavette, Barbara O'Connor, Prerna Rao, Ross Carley, Jane Sharpe, and Rachel Rowan  
**Absent:** Christina Paradis and Joseph Bojnowski  
**Also Present:** Christine O'Neill, Clerk

Mr. Clavette called the meeting to order at 7:32 p.m.

Discussion and Action Items

**(Continuation) Application 19-09 by Santo Silvestro and Lynda Silvestro, for a property located at 18-22 Platts Hill Road, Newtown, CT, for a Variance of § 3.01.330 of the Zoning Regulations of the Town of Newtown, so as to permit the continued use of two non-conforming detached apartments on the property, as demonstrated in supporting documents submitted to the Land Use Agency 10/28/19.**

Mr. Clavette reminded everyone that at the last meeting, Application 19-09's public hearing had been closed, and tonight the Board would simply deliberate and vote.

A letter dated 1/3/20 from Chief Building Official John Poeltl was submitted to the record. Mr. Clavette synopsized that the letter stated there had never been permits issued from the conversion of the two buildings in question into apartments. Mr. Clavette asked if anyone wanted to continue the discussion.

Ms. Rao said that with this additional information, she cannot find any grounds to grant a use variance, especially with no hardships that run with the lot - though she feels bad about it. She added that all the lots in the neighborhood are single family, so permitting this Variance will not be in harmony or conformity with the neighborhood.

Mr. Ross asked if the Tax Assessor had been collecting taxes for the apartments. Mr. Clavette said that Mr. Poeltl's letter seems to indicate they only began to do so after the inspection on 3/27/17. Ms. O'Connor said that she feels bad, but also does not see a hardship that isn't financial.

Mr. Clavette stated that even though this Board might agree that apartments might be an appropriate use, there is no hardship according the Connecticut General Statutes that would allow them to grant a Variance.

Ms. O'Connor referenced the portion of the Zoning Regulations regarding a kitchen (more specifically, a stove) being what constitutes an apartment.

Ms. Rao said that title insurance should take care of this.

Mr. Carley said that he is personally bothered by the situation, but agrees that this does not meet the hardship criteria. Ms. Rowan agreed.

Ms. Rao made a motion to disapprove Application 19-09 due to no evidence of a hardship that runs with the land, and as it would be inconsistent with the character of the neighborhood. Ms. Sharpe seconded. All were in favor and the motion to disapprove Application 19-09 carried.

#### Minutes

Ms. Sharpe moved to approve the minutes from the meeting of December 4, 2019. Ms. O'Connor seconded. All were in favor and the minutes from the last meeting were approved.

#### Adjournment

Mr. Clavette moved to adjourn the meeting. Ms. O'Connor seconded. All were in favor and the meeting was adjourned at 7:51 p.m.

*Respectfully submitted,  
Christine O'Neill, Clerk*