



TOWN OF NEWTOWN
ZONING BOARD OF APPEALS

MINUTES

REGULAR MEETING

Wednesday July 11, 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, Ross Carley, Prerna Rao, Christina Paradis (A), Robin Buchanan, Joe Bojnowski

Also Present: Rob Sibley, Deputy Director of Land Use, Georgia Contois, Clerk

The meeting was opened at 7:30 PM

Mr. Carley made a motion to accept the minutes of June 6, 2018. Ms. Rao seconded. All members were in favor.

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 (Continuation)

Mr. D'Aquino joined the board to present his A-2 surveys and updated letters of hardship. Members agreed that the detail of the survey seemed less intrusive than the hand-drawn version previously submitted. With no one to speak for or against the application, the hearing was closed at 7:35PM.

Docket 18.12 by Richard Fattibene for a property located at 77 The Boulevard, for a variance of §3.01.400 and §9.03.520 of the Zoning Regulations of the Town of Newtown so as to permit the construction of an accessory structure on a non-conforming lot without a primary structure, as shown on a set of plans titled "Data Accumulation Plan, Assessors Map 25, Block 7, Lot 4, Parcel C, 77 The Boulevard, Newtown, Connecticut, Prepared for Richard Fattibene" dated 2/20/2018.

Mr. Fattibene, 6 Lillanonah Drive Brookfield CT came forward as the applicant. He purchased the property in July of 2017 and learned the history of the lot. When interstate I84 was constructed, The Boulevard was moved from the front yard, into the middle of the property, thus splitting it in two. Mr. Fattibene explained that the house is on 86 The Boulevard and a lot with an antique barn and various items is referred to as 77 The Boulevard. He is asking permission to build an accessory structure, a 14x26' garage, on 77 The Boulevard. Mr. Clavette noted several cars and boats on the property as well as debris. Mr. Sibley explained that there was an existing violation prior to Mr. Fattibene's ownership of the property, as well as additional items owned by Mr. Fattibene, that resulted in ZEO enforcement in January of 2018. The lot was also found in an ad for commercial parking. Members asked about the use of the garage since the owner rents the house on 86 The Boulevard. He explained that it would be for storage of a car or two and tools. He plans on also rebuilding the existing barn at some point in the future which was discussed with a ZEO. Members discussed whether or not it could be considered an accessory to the home if it was not for the use of the renters. Mr. Sibley also noted that if ZBA approved the garage structure it would need a wetlands application due to the presence of inland wetlands on the site. With no public to speak to the application, the hearing was closed at 7:53PM.

Docket 18.13 by Christ The King Lutheran Church for a property located at 83 Mount Pleasant Road, to appeal for correction of alleged error in a decision of the Zoning Enforcement Officer who on 5/10/18 notified by mail that the clothing donation shed on Church property was not permitted despite the fact that the town previously issued a zoning permit for the clothing shed, as described in an application received to the Land Use Agency on 6/12/2018.

Alex Hillis, of St. Pauly Textile and Danielle Pollock, of Christ the King Lutheran Church joined the Board as applicants. Mr. Hillis gave Members and overview of the services provided by St. Pauly Textile Company. He also explained that he took out a small shed permit with the Land Use Agency which was approved. Once the donation box was on the property, the Church received a letter from the Land Use Agency stating a violation for a 'Recycling Center' which is not permitted in a Residential Zone. The letter also highlighted the original approval for the site which required a maintained landscaping buffer of evergreen trees between the parking lot and the neighbor. Members agreed that they were in a tough position due to the shed permit being authorized. The language used on the shed permit was discussed. Mr. Hillis offered two options that he had discussed with the representatives for the Church. They offered either moving the shed further across the property or doing landscaping. Ms. Rao noted that they are required to landscape anyways due to the original approval. Mr. Hillis asked about the landscaping requirement. Mr. Rao explained that the Church is technically in violation of their approval by not maintaining the landscaping buffer to the neighbors and it would have to be remedied. The hearing was opened to the public.

Jennifer Skidmore, 10 Hawthorne Hill, wanted to understand the proposal and visibility from her property. Mr. Clavette told her that the shed is already on the property, and probably wouldn't be visible from her home.

Thomas Melody, representing 3 Tory Lane, presented a letter to the Board and mentioned that they are not against the idea behind the donated clothes or the Church but wanted privacy from the structure and potential increased traffic.

With no other public wishing to speak, the hearing was closed at 8:13 PM.

Docket 18.14 by Toplitzin Martinez for a property located at 4 Valley View Road, for a variance of Chart VII-I of the Zoning Regulations of the Town of Newtown so as to permit the construction of a front porch within the front yard setback as shown on a set of plans titled "Zoning Location Survey, prepared for Toplitzin Martinez Jr, 4 Valley View Road, Newtown Connecticut" dated 6/13/2018.

Mr. Martinez explained that his house had severe water damage so work has been done on the property. This included removing the front steps, siding, and re-doing the roof. Instead of replacing the steps, the applicant was asking to create a covered porch that would be two steps up from grade, making it easier for access for his elderly mother, and would be a safe covered area for his grand kids to play and wait for the bus. He explained that the porch would be at the least 45.7' away from the front property line.

There were no members of the public wishing to speak to the application and the hearing was closed at 8:21 PM.

Action:

Docket 18.10 – Mr. Carley made a motion to accept due to the odd shape of the lot. Ms. O'Connor seconded. All members were in favor and the motion passed unanimously.

Docket 18.12 – Ms. Rao made a motion to deny the application for a new garage because it could not be considered an accessory use to the home across the street on a separate lot. Mr. Clavette seconded. All members were in favor and the application was denied.

Docket 18.13 – Mr. Clavette made a motion to uphold the original approval of the small shed permit with the stipulation that the property must be in compliance with screening requirements present on the original site approval from the ZBA of November 7, 1962. Ms. O'Connor seconded. All members were in favor and the motion was approved unanimously.

Docket 18.14 – Ms. Paradis made a motion to accept the application because the property is a corner lot and the covered porch will provide a safety element. Ms. Rao seconded. All members were in favor and the application was approved unanimously.

With no other business, Ms. Rao made a motion to adjourn. Ms. O'Connor seconded. The meeting was adjourned at 8:55 PM.

*Respectfully Submitted,
Georgia Contois, Clerk*