

TOWN OF SOUTHTON
ZONING BOARD OF APPEALS
TUESDAY, November 9, 2010

Chairman Joseph LaPorte called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:00 o'clock, p.m. in the Town Council Chambers with the following members in attendance:

Robert Salka, Paul Bedard, Patricia Potter & Edward Kuklinski

Others: Rob Librandi, Zoning Enforcement Officer
Mary Savage-Dunham, Town Planner

Absent: Ronald Bohigian, Alternate
Joseph LaRosa, Alternate
Michael Milo, Alternate

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

Mr. Salka explained to the audience the procedure to be followed in the presentation of an appeal. He advised that should their appeal be approved, they file it with the Town Clerk's Office before proceeding with the project.

JOSEPH LAPORTE, Chairman, presiding:

5. PUBLIC HEARING ITEMS:

A. APPEAL #5825A, application of Kenneth D. & Amy N. Catlin for a variance of 16 sf to allow expansion of the porch roof to extend into front yard for 65 sf where 50 sf is allowed under Sections 11-05.1 & 15-04 of the Zoning Regulations, 20 Greystone Road, property of Kenneth D. & Amy N. Catlin in an R-20/25 zone.

AMY CATLIN: 20 Greystone Drive. Just looking to get approval to extend our existing roofline out 22' by 3'. And, apparently there is a rule for 50 sf and we have 66 sf. So, we need an extra 16 sf variance.

I have handouts if anyone needs them of our blueprints and projected pictured.

THE CHAIR: So you are not going any closer to the road?

MS. CATLIN: No.

THE CHAIR: Then what is there already off the porch.

MS. CATLIN: It's literally extending --- there is a picture of a before and a digitally enhanced picture after. Just to provide cover from our garage to our front door.

THE CHAIR: Because of all the snow we're getting -

MS. CATLIN: Already, yes, sir.

THE CHAIR: - with the weather, right?

(Chuckles)

Questions for the applicant?

MR. SALKA: Bottom line, it's not going to be out any further than the existing roofline on the overhang.

MS. CATLIN: No. It's simply continuing the roofline.

MR. SALKA: Okay. Same material?

MS. CATLIN: Same material with 2 x 8's and a column for support.

MR. BEDARD: The house itself is well within the setback and we're not coming any further out with it. So, pretty straightforward.

THE CHAIR: Okay. Have you finished your presentation?

MS. CATLIN: Yes.

THE CHAIR: Okay, thank you.

Anybody here to speak in favor of the applicant?

(No response)

Anyone here opposing the applicant?

(No response)

If not, this appeal is closed.

B. APPEAL #5826A, application of Donna Colosimo for a 10' front yard setback variance to 30' where 40' is required for construction of a handicapped accessible front porch under Sections 7A-00 & 15-04 of the Zoning Regulations, 50 Maxwell Drive aka 50-52 Maxwell Drive, property of Peter & Donna Colosimo et al in an R-12 zone.

MS. COLOSIMO: Donna Colosimo, 50 Maxwell Drive. I'm looking to make the front porch just wide enough. It needs to be repaired anyway.

So, wheelchair rails and stuff like that. And, to make it a little bit higher so I can get in without stepping up on the ramp.

THE CHAIR: Is this two family, side by side.

MS. COLOSIMO: It's a duplex, yes.

THE CHAIR: You have both?

MS. COLOSIMO: My brother owns the other side.

THE CHAIR: Okay, so you are making the ramp -

MS. COLOSINO: Both sides, yes.

THE CHAIR: Okay. We are going to probably have a stipulation on this one that when it's no longer in use have it disassembled.

Questions for the applicant?

MR. SALKA: The hardship obviously is the handicapped ramp. And, with the added stipulation that it get removed when it is no longer required, um, I'm fine with it.

THE CHAIR: Okay. Have you finished your presentation?

MS. COLOSIMO: Yes.

THE CHAIR: Anybody here to speak in favor of the applicant?

(No response)

Anybody here opposing the applicant?

(No response)

If not, this appeal is closed.

C. APPEAL #5827A, application of Michael Forgione to vary the rear & rear/side setback to 4' where 10' is required to install a 12' x 12' pre-made storage shed under Sections 2-01AA1 & 15-04 of the Zoning Regulations, 48 Wyndcrest Court, property of Michael Forgione & Allison Hobson in an R-12 zone.

ALLISON HOBSON: Good evening, I am Allison Hobson. I own the property with Michael Forgione who can't be here this evening.

We live at 46 Wyndcrest Court. And, essentially, we have a rather strange shaped yard where it is primarily more to the side than rear yard. And, we'd just like a variance instead of the 10' to move it 4' closer to the property or 4' from the property line.

THE CHAIR: Okay. Questions for the applicant?

MR. SALKA: And, you were here once before and you had it at foot I guess and now you've moved it 4'?

MS. HOBSON: We have. We actually were --- filled out the application with our shed builder who um just said put a foot on the application. And, it wasn't any sort of issue. So - we -

MR. SALKA: Could you speak a little slower? I'm having --- I am not following what you're saying and could you speak up?

MS. HOBSON: Oh. That's fine. We um, have a designed a shed that sort of looks like our house. It's a 12 by 12. It matches. And, um, we realized we needed to submit a variance and the person building the shed was familiar with the process and when helping us fill out the paperwork we just put one foot. And, then we realized as we measured it out we really didn't need one foot. Four feet is more than sufficient. So we are resubmitting. I believe it's a little more reasonable.

MR. SALKA: Why do you need a variance at all? Why do you have to have it 4'? Why not 8'? Why not 10'? Then you wouldn't need a variance.

MS. POTTER: I'm sorry. I stopped by the house -

MR. SALKA: Uh huh?

MS. POTTER: The way it's shaped, the lot, it's not, it's not shaped in any --- she's --- she's kind of --- the back yard is only like 10' from the brick wall where their patio is.

And, then you go out to the corner of their lot, and you've got junk in the back from the back neighbor. And, you have the house that's right next to her. So, there is nowhere else to put

the --- because I went out there. There is nowhere else to put the shed. I went out there for the first one before --- but I went out for the first one.

I kept saying there's nowhere else. There is nowhere else. It's so; the lot is long and narrow. And, then it hits like this funky corner. I don't know. But I went out there. And, I just ---there is really nowhere else.

MS. HOBSON: It's about -

THE CHAIR: It's a tough spot. I've been out there, too, Bob. It's just a tough spot.

MS. HOBSON: It's one-third of an acre. And, actually, we are thinking of kitty-cornering it so it's only two points of the shed that would be 4' from actually the property line would be the back two corners because it's be angled out.

THE CHAIR: So, the hardship is what?

MS. HOBSON: The hardship is we really don't have much of another yard in order to place a shed.

THE CHAIR: The shape of the lot would be the hardship.

MS. HOBSON: Yes.

THE CHAIR: The shape of the lot.

Any more questions for the applicant?

(No response)

Have you finished your presentation?

MS. HOBSON: Um, I believe so, yes.

THE CHAIR: Thank you.

Anybody here to speak in favor of the applicant?

(No response)

Anyone here opposing the applicant?

(No response)

If not, this appeal is closed.

6. CONTINUED PUBLIC HEARING ITEMS

A. APPEAL #5820A, application of Kurt Holyst for a 30' front yard setback variance to add a 2nd story to existing building under Section 7A-00 & 15-04 of the Zoning Regulations, 897 South Main Street, property of Robert W & Margaret D. Mirando in a B zone.

KURT HOLYST: Kurt Holyst, 1 Saw Mill Lane, Plantsville, Connecticut. What I'm trying to do and I think you all have drawings, add square footage to the top floor to allow enough room for my business to move there.

THE CHAIR: This is what the building is going to look like?

MR. HOLYST: For the most part. Yah.

MR. SALKA: Well, the question, one of the questions, Mr. Chairman, one of the questions I had with --- I mean it is a very nice looking building. But what materials are you going to use?

Because I mean, I'm looking at it and it looks like you've got stone and the shakes on the front.

MR. HOLYST: Yes.

MR. SALKA: Is that -

MR. HOLYST: Those are poly shakes.

MR. SALKA: Yah. Is that what you are going to use?

MR. HOLYST: Yes.

MR. SALKA: Because -

MR. HOLYST: And, the cultured stone.

MR. SALKA: Huh?

MR. HOLYST: The cultured stone. Very similar to what Dean did just down the street. Same architect drew the drawings and all.

THE CHAIR: So you would use this for the front and the other side apparently you are not going to use that because of the expense, right? You're going to use board or whatever?

MR. HOLYST: Well, some of those pillars wrap around on the back corners.

THE CHAIR: I see that, yes.

MR. HOLYST: And, then, yes, in the back it would be regular siding, correct.

THE CHAIR: Now, the height, total height was 25'8, right? Twenty-five eight, right?

MR. HOLYST: Yes.

MR. SALKKA: And, the 25'8 is on the, would be on the south side looking at it from South Main Street?

MR. HOLYST: Yes.

MR. SALKKA: So, the 25' would be on the south side and the shorter roofline would be on the north side. I just want to make sure we've got it positioned properly. Because, I mean, what we don't want, my whole point was I don't want this big thing on or near the end of the property. I'd rather have it more to the south side when you're looking at it.

MR. HOLYST: Well, again, the building has to sit where the current building is. It's going to be on the same site.

MR. SALKKA: Footprint, I understand that. I understand that. But I just want to make sure that this 25' part is on the south side as you're looking at it, on the right, if you will, just the way it's pictured.

MR. HOLYST: Yes, yes.

MR. SALKKA: That was my point. I don't want to see it the other way where you've got the 25' on or more towards the Plantsville side.

MR. HOLYST: If you flip the page, I think there is a rear shot which would show you that because the existing bump out shows you that that is how it would sit.

MR. SALKKA: Okay. So again, you are using the siding which you are showing here and then on the back side it's going to be the way you're showing it here.

MR. HOLYST: Yes, yes. Now, we may choose to do in the future stone around the entire thing. Obviously, price does come in to a point. We'd love to do stone as you see in the front around the entire project. But I didn't draw it that way because cost may not allow it. I don't want to be held to just do siding in the back. If I can do the stone work in the back we're going to do stone in the back, too.

MR. SALKA: Again, I just want to make sure that what we see it what we get.

MR. HOLYST: Yah, the front for sure.

MR. SALKA: All of a sudden we get something completely different -

MR. HOLYST: No, no, no. The front, for sure, is stone. The back we may do stone, too, if we can --- again if it's cost prohibitive (sic).

The whole project is supposed to --- it's going to be a display. It's going to look --- if it doesn't look sharp, there is no value of putting a display there. You know, I mean, we are going to try to do stone throughout the entire thing.

THE CHAIR: So, this is the footprint we're using. Right here.

MR. HOLYST: Yes.

MR. SALKA: Well again, it's the footprint. I guess what I'm, you know, you sell stone.

MR. HOLYST: Um-hum.

MR. SALKA: That's what you do.

MR. HOLYST: Yes.

MR. SALKA: And, what I don't want to see is fifty different colors of stone. You know, all of a sudden we've got this thing there --- if it's going to look like what we are seeing at the Hearthstone, if that's the one you're referring to ---

MR. HOLYST: Yes.

MR. SALKA: You know, its similar material throughout. What I don't want to see is you know, multiple colors, multiple shapes, it'll look like the Gillette Castle type thing and that's not what I'm looking for. Because that's a key location. It's the entrance into Plantsville.

MS. POTTER: That's a good thought. Yes, that's a good thought. I didn't give that a thought.

MR. SALKA: Huh?

MS. POTTER: That was a really good thought. I didn't give that a thought.

THE CHAIR: What he doesn't want is a circus up there.
Right?

MR. SALKA: Right. I don't want multiple colors that it's going to be an eyesore. I want it to look nice as you enter into Plantsville.

And, again, I know that is what you're trying to do, as well. But I want to make sure that we're on the same sheet of music here on what to expect.

MR. HOLYST: The building is going to be built as an office. Not so much as a display.

MR. SALKA: Well, you said display. That's why I -

MR. HOLYST: Well, if the building is not attractive, nobody is going to stop and look at the paver work that's the display area. That's what the first variance was, was the display.

The building is built as an office building. So there'll be one type of stone on the building. Not multiple colors. I have no problem with putting that as a --- I don't want a circus, either.

MR. SALKA: I'd like that as a stipulation.

And, again, I --- just we have it on the record and there is no question.

MR. HOLYST: Like I said, I don't want to be held to do siding on the back if I can do stone, wrap the stone around.\

THE CHAIR: That's entirely your call.

MR. SALKA: As long as it's consistent throughout, that's fine.

MR. HOLYST: Because the pillars do wrap around. But obviously, cost will come into play at some point.

THE CHAIR: I'm all set. Any more questions for the applicant?

(No response)

All set?

Have you finished your presentation?

MR. HOLYST: Yes.

THE CHAIR: Okay. Anybody here to speak in favor of the applicant?

(No response)

Anybody here opposing the applicant?

(No response)

If not, this appeal is closed.

7:17 p.m.

REGULAR MEETING

Approval of Minutes

Regular Meeting of October 26, 2010

Mr. Salka made a motion to approve the Minutes of the October 26, 2010 meeting as presented. Ms. Potter seconded. Motion passed unanimously on a voice vote.

NEW BUSINESS:

A. APPEAL #5825A, application of Kenneth D. & Amy N. Catlin for a variance of 16 sf to allow expansion of the porch roof to extend into front yard for 65 sf where 50 sf is allowed under Sections 11-05.1 & 15-04 of the Zoning Regulations, 20 Greystone Road, property of Kenneth D. & Amy N. Catlin in an R-20/25 zone.

Mr. Salka made a motion to approve Appeal 5825A. Mr. Bedard seconded.

Mr. Salka noted it is well within the setback. The existing roof, although it is square footagewise, it's not going to be out any further than the existing porch roofline.

And, the safety issue is you know, they come from the garage, there is no way in. It's safety issue with the ice in the winter and stuff like that.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

B. APPEAL #5826A, application of Donna Colosimo for a 10' front yard setback variance to 30' where 40' is required for construction of a handicapped accessible front porch under Sections 7A-00 & 15-04 of the Zoning Regulations, 50 Maxwell Drive aka 50-52 Maxwell Drive, property of Peter & Donna Colosimo et al in an R-12 zone.

Mr. Salka made a motion to approve Appeal 5826A with the stipulation that the ramp will be removed when it is no longer needed by the homeowner. Mr. Bedard seconded.

Mr. Salka commented it is a safety issue and the handicap. The hardship is the handicap.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

C. APPEAL #5827A, application of Michael Forgione to vary the rear & rear/side setback to 4' where 10' is required to install a 12' x 12' pre-made storage shed under Sections 2-01AA1 & 15-04 of the Zoning Regulations, 48 Wyndcrest Court, property of Michael Forgione & Allison Hobson in an R-12 zone.

Mr. Salka made a motion to approve Appeal 5827A. Mr. Bedard seconded.

Mr. Salka advised he still has concerns with the distance. When you look at the layout, you've got an irregular shaped lot, no question about it. But if you look at the back the way it's laid out, if the picture is correct, there is room to move that thing forward.

The Chair said it's the way they want to put the shed.

Mr. Salka said that is what is hurting them. It's kitty-corner. But perhaps that is the design of the shed. But there is room in the backyard for it.

The Chair thought it would look good where it is. If you start getting it closer, it just has space on both sides. This looks like the best spot. I was out there and to me it looks like the best location.

Ms. Potter agreed.

Mr. Bedard said he was out there, as well. He felt like when you look at the shape of this lot, the only option that you

have to not have a variance is to put it in the middle of their biggest section of lawn which is really their side yard. And, it would just look funny. When you look at where that house on the end is, you have a considerable distance before you get to that house or driveway. And, it just seemed to fit, to me, and that corner was a good spot. The backyard is very, very tight. There is really a patio and a fence. There is nothing else back there.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

6. CONTINUED PUBLIC HEARING ITEMS

A. APPEAL #5820A, application of Kurt Holyst for a 30' front yard setback variance to add a 2nd story to existing building under Section 7A-00 & 15-04 of the Zoning Regulations, 897 South Main Street, property of Robert W & Margaret D. Mirando in a B zone.

Mr. Salka made a motion to approve Appeal 5820A with the stipulations that were noted about the consistency of material and color, et cetera, as outlined by the applicant. Mr. Bedard seconded.

Mr. Bedard said he thought it would be a good looking building as designed here. I think it helps to have a rendering and given the fact the height concern is away from that corner that we were concerned about, um, probably doing the best possible job with the design as you see it here and based on what we are working with.

The Chair observed to have someone go down to that location and take over that piece of property, which is a total mess, this is ideal.

Mr. Salka agreed it will be a nice looking building as a gateway into Plantsville, too.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

Miscellaneous/Old Business/New Business

Ms. Savage Dunham reminded everyone she distributed the packet for the special meeting on Tuesday at 6:30 pm. That would be November 16th.

She noted also the legal notice for the November 23rd meeting.

The Chair asked about the fence on West Center Street Extension. Mr. Librandi explained he did speak with the homeowner about what was described in the Minutes of the meeting that took place.

I told them either to meet regulations and lower the fence to 4' or remove the fence completely or push it back where it was designed to be.

They said they were meeting with the fence person and they should call me tomorrow with their decision.

The Chair asked about Pleasant Street. Ms. Savage Dunham responded she did not believe they have taken any further action on Pleasant Street. But Mr. Librandi and I will look at that tomorrow and report back to you.

The Chair noted the letter that was sent and the 30 days are up. And, there were two fences up there and the one that did remove it, I mean, gained another \$50,000 for his piece of property now that the fence is removed. From night to day.

This fence, 6' white elephant up there --- it's ridiculous. That's my opinion.

Mr. Salka brought up two pieces of property.

Prospect Street: As you are heading toward Mount Vernon, he's running a wood business like we had downtown. He's got a bucket truck. He's got a half acre of lumber back there. Big equipment. It's a business. That's zoned residential as far as I know.

The True Property: I think we ought to again approach this piece of property. He's got a steam shovel and some heavy equipment on that property.

One of the stipulations with the goats was that we allowed the goats but not to add any new ones. But he was to clean up and get rid of all that industrial or contracting equipment that he's got there.

The Chair noted he bought four or five more acres. Here is the sticky point. Now in his mind he must think that nobody can say anything.

Mr. Salka pointed out it is zoned residential, regardless.

Those two businesses are getting bigger as we go, noted Mr. Salka.

The Town Planner and the Zoning Enforcement Officer will look into these items.

The Town Planner said the last time she was by Mr. True's property; she did stop and actually talk to him about getting the equipment out of there. That's an ongoing thing out there. It gets better, it gets worse, gets a little better, and gets a little bit worse. We'll go back out and address that again, as well.

The number and color of goats on site was discussed. We did stipulate it would not be used as a commercial operation and I think he is not abiding by the stipulation, added Mr. Salka.

Ms. Potter made a motion to adjourn which seconded by Mr. Bedard. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:30 o'clock, p.m.)

Joseph LaPorte, Chairman
Zoning Board of Appeals