

TOWN OF SOUTHTON
ZONING BOARD OF APPEALS
TUESDAY, DECEMBER 14, 2010

Acting Chairman Robert Salka called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:02 o'clock, p.m. in the Town Council Chambers with the following members in attendance:

Edmund Costello, Patricia Potter & Jeffrey Gworek

Alternates: Ronald Bohigian

Others: Rob Librandi, Zoning Enforcement Officer
Mark Sciota, Deputy Town Manager/Town Attorney

Absent: Brian Wysong, Commissioner
Joseph LaRosa, Alternate
Michael Milo, Alternate

Mr. Bohigian was seated for Mr. Wysong. A quorum was determined.

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

Ms. Potter 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.

Robert Salka, Acting Chairman, presiding:

Public Hearing Items:

A. APPEAL #5831A, application of William R. Joyce Jr. & Karen L. Joyce for a variance to accept an existing 15' right of access to t his rear lot so the owner can divide their land & give away the section of the lot which has the 20' simple access as required under Section 11-14.2 & 15-04 of the Zoning Regulations, 56 South End Road, property of William R. Joyce Jr & Karen L. Joyce in an R-12 zone.

ATTORNEY MATTHEW O'KEEFE: Good evening, Attorney Matthew O'Keefe on behalf of the applicant. My address is 98 Main Street, Suite 205, Southington, CT.

I have with me tonight five corrected maps to address the Town Planner's concern relative to delineating on the property to be conveyed that it is not a building lot. That's delineated on there.

The application is fairly self explanatory and straight forward. My clients purchased this property about 20 years ago, which is about 10 acres. They have access to it from a 15' right of way which they have an easement to which is near their home. The so called frontage that they have is on South End Road which is across a pond and they haven't been able to utilize it in any event.

So, the Southington Land Trust is interested in acquiring the property and my client would like to convey about 8 acres to the Southington Land Trust. But if they do so, they'll lose the frontage that they have, so they are required to seek a variance so that they can have the access to the property utilized for the last 15 years.

I don't really have anything to add to it.

ACTING CHAIR: When I look at the GIS map, is that dotted line to the right of the home, is that the access you are referring to?

ATTORNEY O'KEEFE: I'll take a look at it.

The access that they have to the home, if I look at the map, its right here (indicating).

And, that's in the land records and it has been utilized for the last 15 years that way. So that is a deeded access. It's called: ex bit concrete driveway.

ACTING CHAIR: Now, would you go through that, what the deed to the Land Trust is again? What you're referring to?

ATTORNEY O'KEEFE: Sure. If I may, on this map?

MR. BOHEGIAN: Can we put that up on the blackboard there?

ATTORNEY SCIOTA: The blackboard would be tough. I'll put it up on this board here. Behind Rob.

(Pause)

ATTORNEY O'KEEFE: Is it all right for me to come up?

Okay. Basically, what I'll do is I'll trace my clients' property for you. It runs like this. This is the 20' that they have on Pondview. So basically, it's essentially a rear lot. The house is here. The access they have is through this 15' driveway which they have an easement to.

The frontage that the lot has is the 20' on Pondview right here (indicating). But if you were to access the house from Pondview,

you'd probably go to about here (indicating) and take a boat the rest of the way.

So, the Land Trust wants to acquire and they want to donate 8.5 acres to the Land Trust. By doing that, the new lot would go like this (indicating). And, they're retaining 1.2 acres and then the Land Trust has 8.1 acres which includes the Pondview access.

So, it's not a new lot. It won't be a new lot and it will be utilized by the Land Trust.

I will point out that there is an existing chain link fence that goes about 2' over this here (indicating). We are conveying subject to it. And, the Land Trust is aware of that and they're willing to take it that way.

MR. BOHIGIAN: Okay, so the Land Trust is going to get the Pondview side, also?

ATTORNEY O'KEEFE: The Land Trust is going to get everything from here (indicating) back, including the Pondview access.

MR. BOHIGIAN: And, it is stated that it is not a building lot?

ATTORNEY O'KEEFE: And, it is stated on here it is not a building lot. You couldn't build on it anyway. With the wetlands. But we wanted to make it clear that it is not a building lot.

ACTING CHAIR: I don't have any other questions.

Staff have any comments?

MR. LIBRANDI: No, no questions. It's been reviewed and its fine from staff's point of view.

ACTING CHAIR: Any other questions from the Board?

ATTORNEY O'KEEFE: Thank you.

ACTING CHAIR: All set?

Anyone speaking in favor of this application?

BONNIE SICA: Hi, I'm Bonnie Sica and I am President of the Southington Land Conservation Trust. And, I just wanted to be here tonight to thank Bill and Karen Joyce for bringing this property to us and be willing to donate it.

It is going to make a beautiful water fowl wildlife sanctuary. That's our plan with the property.

We are aware of the encroachment of the fence and that's perfectly fine. He had people driving boats down there to put on the pond. So, the fence is up there.

And, we do plan to bring in people from the DEP and to really improve this pond. And, to make it a much better place for the waterfowl. They get blue herons and swans and many, many different types of birds. So, it should be beautiful.

Thank you very much.

ATTORNEY SCIOTA: I have one question. There is no plans for parking there or anything?

MS. SICA: No.

MR. BOHIGIAN: Is that something that we have to put into this?

ATTORNEY SCIOTA: No, I accept their word on that. That's up to you but I do accept their word on that. I just wanted to make sure. This is a residential area.

ACTING CHAIR: Anyone else speaking in favor of this application?

(No response)

Is there anyone opposed to this application?

(No response)

Hearing none, this application is closed.

B. APPEAL #5832A, application of Mark Zommer for a side yard variance to 1' where 30' is required to attach a cooler to the rear of the building under Sections 9-00, 7A-00 & 15-04 of the Zoning Regulations, 83 West Main Street, property of Rick A & Joanne Rice in an 1-2 zone.

KEVIN WEST: Prescott Construction. My address is 6-A Wilcox Street in Simsbury, CT.

I'm speaking tonight on behalf of Mark Zommer with regards to 83 West Main Street in Plantsville. We are seeking a variance for an existing nonconforming use. We're looking for a small expansion for a walk in cooler off the back of it. We have already been granted an existing - we have to 0 clearances on the structure that's there because there is a portion of the existing building that is right on the property line. That was the original 1800's building.

Since the application was made, I submitted two pieces of paperwork with this. One was a modified site plan and per Mary, obviously, when we do the as built it will reflect this, you know, in a much more detailed manner. Kratzert, Jones is already working on that.

I submitted an elevation. I since had an architectural done on it so there is a more detailed view of it here. I'm sorry I don't have more copies, but if you want to pass this around, we can put it up there. This will show what we're proposing in detail off the back of the existing structure.

It will still maintain the same look and feel of the existing building. We are still going to put the stone water to match the rest of the building around this proposed addition off the back.

The purpose of this is that over the course of the past year or so the concept of the restaurant has changed from just sort of a pizza restaurant to a more detailed menu. He now has a cook and a manager onboard that have modified the menu to include more fine dining. As a result, we need more storage space inside so we are seeking to relocate the cooler off the back and make it look like a part of the structure.

ACTING CHAIR: On the property line that you are referring to, that is the west side property line, correct?

MR. WEST: Correct.

ACTING CHAIR: Because there's handicapped parking behind it on the north side.

MR. WEST: That's correct.

We're going to lose one spot there. But if you notice, with the previous applications, we are granted full relief --- well, originally granted 75 percent relief because we were within the number of feet required, but since they've put the lot across the street, we're now, you know, granted full relief for the parking. So there shouldn't be an issue with losing the one spot. We'll just shift that handicapped spot down one. And, once again, that will be reflected in the as built.

ACTING CHAIR: And, it is no closer than the rest of the building to the property line?

MR. WEST: No, it isn't. It is nonconforming and the original building is.

ACTING CHAIR: Any other questions?

MR. COSTELLO: Is that something that the Enforcement Officer has agreed upon? Moving that spot over to the other side? As far as the relief to the public parking?

(Pause)

MR. WEST: It was on a previous - are you talking about this particular one or in previous -

MR. COSTELLO: No, I am talking about this particular one with losing the handicapped spot. Is that something that is okay with moving that spot across the street?

MR. WEST: No, we are not moving it across the street.

MR. COSTELLO: No, no.

MR. WEST: No, I'm sorry.

MR. COSTELLO: You have the extra spot is what you are saying in the municipal parking lot. Is that fine? It fits your requirement?

MR. LIBRANDI: As long as it meets parking, what was stated on the site plans and what was stated in terms of where the parking is located? I am not aware if they've brought in another site plan or a modified site plan in terms of parking.

MR. WEST: Well, that was going to be done by Kratzert, Jones.

When I spoke with Mary about it, she said because you've already got 100 percent relief, or you know, we've been granted 75, but now are currently 100 percent, the new plan will reflect that. That moving that spot back one would not be an issue.

We are going to lose one spot on site. But as I said, we do get the relief from the commuter lots that are in proximity of the property.

ACTING CHAIR: Okay, that's the one across the street with the Hearthstone ---

MR. WEST: Well, there's also one --- you know, there's the Rails to Trails and then there is one behind the appliance repair.

ACTING CHAIR: Okay.

ATTORNEY SCIOTA: There are two. Rails to Trails isn't a municipal parking lot. But the Hearthstone is one and the nine spot one down by the bridge. The Rails to Trails is not a municipal parking lot.

MR. WEST: Oh, I was not aware of that.

ATTORNEY SCIOTA: Did you receive those waivers from the Parking Authority already?

MR. WEST: Yes, we did.

ATTORNEY SCIOTA: You'll be going to siteplan after this anyway.

MR. WEST: Uh, I believe that Mary said that we would submit here and then yes.

ATTORNEY SCIOTA: So that would be picked up at the site plan.

ACTING CHAIR: Any other questions?

(No response)

Thank you.

MR. WEST: Thank you.

ACTING CHAIR: Anyone else speaking in favor of this application?

(No response)

Anyone opposing this application?

(No response)

This application is closed.

C. APPEAL #5833A, application of William Lange for a front yard variance to allow 36.5' where 44.5' was allowed and 50' is required to install a covered porch, and .7' front yard variance where 50' is required, and an 8.7' side yard variance where 25' is required and a 18.3' previously allowed to rebuild existing garage and add addition onto rear of property under Sections 7A-00 & 15-04, 124 Thistle Lane, property of Diane C & William H. Lange in an R-40 zone.

ACTING CHAIR: Will the applicant come up and state their name and address for the record?

WILLIAM LANGE: 124 Thistle Lane. I didn't bring a lot of details but I did bring a plot plan and a sketch of the porch.

I'll pass them around if you would like. That's just a little more detail of the porch and the garage looks like.

The front of the house right now is facing north and the original steps were just cement steps. They are starting to lean to the right. I don't plow them or try to do anything during the winter. It's a liability for me because I've slid off them a couple of times trying to chip off the ice.

What I wanted to do is I want to remodel the house. Knock down the existing garage and do something to the front of the house. What I want to do for the porch was just put an existing or put a porch on the front half of the house where the living room is. Being covered, I don't have to worry about the liability of people slipping off the front porch if they come. Like I said, I've slipped off the cement steps that were there because they were tilting to the right a little bit. So, with a covered open porch, hopefully that will take care of that type of problem.

And, what I'm trying to do is just copy a couple of ordinary houses that are out there that you've given variances to. I have a couple of pictures of those. I'll pass them around if you like.

The first one is on Neeley Lane and the second two are on Savage Street. The first set is the ones that I'm actually trying to copy with the round pillars and all just to try to make it a little more aesthetically nicer looking.

The second one is actually a split like my house so it will give you the appearance of what it's going to look like.

So, that's what I'm trying to do just to the front of the house. Like I said, the first one on Neeley Lane, they were given a variance to --- it's a friend of my wife's. They work together at the hospital.

The second part of it would be a variance to the side of the garage. I'd just like to put two more feet out to the east side of the garage so I can get two feet between. I want to put - it's a

single door garage right now. I'd just like to put two --- I mean, one large single door - I want to put two single doors in and have two feet in between each door. So that would give the extra two feet to the side.

And, that would be about it.

MR. BOHIGIAN: I have a question, in the public hearing notes here; the appeal says the variance where 25 is required and 8 feet previously. Was this previously ---

MR. LANGE: I bought the house as is. It was 18 - it's on the map. It's 18'2" or something.

ACTING CHAIR: So, it's already nonconforming at the point --- it's already nonconforming?

MR. LANGE: When I bought it, yes, sir.

ACTING CHAIR: Okay.

MR. BOHIGIAN: So the 18' is where it is now?

MR. LANGE: Yes, sir.

MR. BOHIGIAN: When it said previous, I thought maybe there was a previous appeal from years ago.

MR. LANGE: Not by me, sir. So, the side setback was supposed to be 25 and its 18 - 18'3.

MR. LANGE: So to your point, Bob, it is nonconforming.

MR. GWOREK: It's going to be extended further?

MS. POTTER: You're going to add a solar on it?

MR. GWOREK: Than the 16'3?

MR. LANGE: Two feet to the east.

MR. GWOREK: For the porch, is there going to be steps, new steps?

MR. LANGE: New steps.

MR. GWOREK: Off to the side?

MR. LANGE: Off to the front.

MR. GWOREK: Off to the front?

MR. LANGE: Yes, sir.

MR. GWOREK: Are you going to be worried about the ice and --- I mean, isn't that going to present the same problem we had?

MR. LANGE: It will be but it will only be one step. It's not going to be like I'm standing in front of a doorway trying to open the doorway standing on ice.

My concern though is I am not getting any younger and it's not getting any easier to slide around on the ice.

So, like I said, the last couple of years, I haven't been plowing the front or try to have access to the front door. If I slide off of it, I don't want somebody else to slide off.

MS. POTTER: I'm sorry. In the garage you are putting a solar room and a workshop, also?

MR. LANGE: Well, what I want to do to the back of the garage is --- future plans is to put solar into this. I want to put some hot water panels on the roof and try and heat it with some solar hot water. There'll be a basement in the back of the garage so I can have a room so I can put all the tanks and all the circulating pumps and all the other stuff. That's a second plan down. That's something that is going to happen in the future when I get some more money. But I want to make the existing --- if I'm doing it once, I want to make the existing building suitable for that for when I get to that point.

(Pause)

ACTING CHAIR: And, I guess the question is, um, why do you need that extra two feet in order to ask for a variance on the garage?

MR. LANGE: Just so I can have two feet between each door. If I don't - if you don't give it to me, that's fine, also. Then I just push the doors together.

ACTING CHAIR: I guess my concern is I'm not --- I can't visualize --- I don't see a picture of the garage itself. Do you have one from a height standpoint?

MR. LANGE: No, I don't. I just have one real fast one of the front.

ACTING CHAIR: I'm wondering, you know, if it's going to be like a two story --- if you're going to put a solar, it's going to be two stories tall and you're talking only 16' from your neighbor's property line. Um ---

MR. COSTELLO: So, these panels are going to be on top of the garage?

MR. LANGE: Yes. Someday.

ACTING CHAIR: So, it's a single story?

MR. LANGE: It's a single story right now but I am going to knock it down because it's literally falling over.

ACTING CHAIR: Right, right.

MR. LANGE: So, what I want to do is put a new garage up in the spring and put a second story on it with just one big room in it, above it, and then heat the whole thing in the future with solar panels.

There will be an auxiliary heater in the basement, also. But I want to try my hand at some solar stuff.

MR. COSTELLO: Have you submitted any drawings to the town at all or anything?

MR. LANGE: Not for the garage, yet. No. Because I don't know what the final dimension is going to be.

MR. LIBRANDI: No, just what was proposed as of right now.

MR. COSTELLO: You're proposing the size. There is no picture or anything to --- you know, I'd like to kind of see that, you know.

MS. POTTER: I would, too. Is there any way we can table it? He said he's not starting until the spring.

MR. BOHIGIAN: To Bob's point, just a question is we don't know how tall it's going to be -

MR. LANGE: I mean I have some rough drawings, but I mean, they are just rough drawings.

ACTING CHAIR: You are doing this in the spring?

MR. LANGE: Yes.

ACTING CHAIR: So could we - would it be okay, if we get a motion to table or a motion to continue the public hearing. At the next meeting you could bring back or you know whenever you think it's appropriate, he could bring back the drawings.

One of the things we get tangled up with is we approve it --- we're approving another 2', if we do, and then all of a sudden you come in with a drawing that's a 2.5 foot high garage, two and a half stories, and that's a lot to be next to a neighbor who is going to look on this big, you know, big structure.

So, I'd rather see a drawing. If you could do that at the next meeting.

MR. LANGE: With the 2' extension and everything that I want.

ACTING CHAIR: Yes. And, the height and everything.

MR. LANGE: Okay.

MS. POTTER: I'd like to make a motion that we continue the public hearing to the next meeting.

MR. BOHIGIAN: I second it.

MR. LANGE: Would that just be for the garage or the porch and garage?

ACTING CHAIR: The whole application.

(Motion passed unanimously on a voice vote.)

Continue the public hearing.

Rob, would you work with the applicant and see if we can put it on the Agenda for the next meeting?

MR. LIBRANDI: Yes.

ACTING CHAIR: Thank you.

REGULAR MEETING

Approval of the Minutes - Special Meeting of November 16, 2010

Regular Meeting of November 23, 2010

Ms. Potter made a motion to approve the Minutes of the last meeting and the Special Meeting. Mr. Bohigian seconded. Motion passed unanimously on a voice vote.

MISCELLANEOUS / OLD BUSINESS / NEW BUSINESS

1. Election of Officers

Acting Chairman Salka turned the meeting over to the Assistant Town Manager/Town Attorney.

MARK J. SCIOTA, Deputy Town Manager/Town Attorney assuming the Chair:

Mr. Sciota took nominations for Chairman of the Zoning Board of Appeals.

Mr. Costello made a motion to nominate Bob Salka. Ms. Potter seconded. Motion passed 5 to 0 on a roll call vote.

By unanimous vote, the Chairman of the Zoning Board of Appeals is Robert Salka.

Congratulations!

(Applause)

ROBERT SALKA, Chairman, resuming the Chair:

Vice Chairman

Mr. Bohigian made a motion to nominate Ed Costello for Vice Chairman. Ms. Potter seconded. Motion passed 5 to 0 on a roll call vote.

Congratulations!

(Applause)

Secretary

Mr. Bohigian made a motion to nominate Trish Potter. Mr. Costello seconded. Motion passed 5 to 0 on a roll call vote.

Congratulations!

(Applause)

NEW BUSINESS:

A. APPEAL #5831A, application of William R. Joyce Jr. & Karen L. Joyce for a variance to accept an existing 15' right of access to his rear lot so the owner can divide their land & give away the section of the lot which has the 20' simple access as required under Section 11-14.2 & 15-04 of the Zoning Regulations, 56 South End Road, property of William R. Joyce Jr & Karen L. Joyce in an R-12 zone.

Ms. Potter made a motion to accept Appeal 5831A. Mr. Bohigian seconded.

It's pretty straight forward with the stipulations that it's not going to be a building lot and there'll be no parking on that fence line on Pondview.

It's a very nice gesture.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

B. APPEAL #5832A, application of Mark Zommer for a side yard variance to 1' where 30' is required to attach a cooler to the rear of the building under Sections 9-00, 7A-00 & 15-04 of the Zoning Regulations, 83 West Main Street, property of Rick A & Joanne Rice in an 1-2 zone.

Ms. Potter made a motion to accept Appeal 5832A. Mr. Bohigian seconded.

As long as we know that that one parking space is going to be taken care of at site plan, there is no problem with it.

Stipulation: That the site plan meets the parking requirements.

Motion passed 5 to 0 on a roll call vote.

One year to exercise permission.

C. **APPEAL #5833A**, application of William Lange for a front yard variance to allow 36.5' where 44.5' was allowed and 50' is required to install a covered porch, and .7' front yard variance where 50' is required, and an 8.7' side yard variance where 25' is required and a 18.3' previously allowed to rebuild existing garage and add addition onto rear of property under Sections 7A-00 & 15-04, 124 Thistle Lane, property of Diane C & William H. Lange in an R-40 zone.

Public hearing continued to the next meeting.

EXECUTIVE SESSION - Pending litigation - West Street

Attorney Sciota suggested a motion to adjourn to executive session to discuss pending litigation including staff members. Ms. Potter made that motion which was seconded by Mr. Bohigian. Motion passed unanimously on a voice vote.

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

EXECUTIVE SESSION

The Southington Zoning Board of Appeals entered executive session immediately following their meeting with the following in attendance in order to discuss pending litigation.

The following Councilpersons were present, viz:

Robert Salka, Patricia Potter, Jeffrey Gworek, Edmund Costello and Ronald Bohigian

Ex-officio members present were as follows:

Robert Librandi, Zoning Enforcement Officer
Mark J. Sciota, Deputy Town Manager/Town Attorney

No motions were made or votes taken during executive session.

Ms. Potter made a motion to adjourn from executive session. Mr. Bohigian seconded. Motion passed unanimously.

(Executive session was adjourned at 7:45 o'clock, p.m.)

REGULAR SESSION

Ms. Potter made a motion to adjourn the meeting which was seconded by Mr. Bohigian. Motion passed unanimously.

(Meeting was adjourned at 7:46 o'clock, p.m.)

Mark J. Sciota
Acting Secretary