



TOWN OF NEWTOWN

Zoning Board of Appeals

Rec'd. for Record (1-192009)
Town Clerk of Newtown 11:10am
Della A. Casper

31 Pecks Lane

November 4, 2009

The meeting of the Zoning Board of Appeals was called to order by Chairman Charles Annett. Other members present were: Alan Clavette, Vice Chairman, Barbara O'Connor, Secretary, Ross Carley, and alternate, Janis Nezvesky-Schertzer. Absent members were Timothy Cronin and Roy Meadows, alternate.

Mr. Annett asked the secretary to call the roll. After the roll, he asked the secretary to read the legal notice for the first hearing, the application of Thomas J. Kish for a variance of Section 7.02.100 of the Zoning Regulations to allow the erection of a garage too close to the property line. The property is located at 51 Sugar Street in the Town of Newtown in a R-1 Zone.

Mr. Annett then asked the applicant to come forward and state his name and address for the record.

Mr. Thomas Kish said he would present his application. He explained to the Board that he needed a garage and the only location on his property would be to attach it to his house. He said that his hardship is that he had no other place to put the garage due to the topography and the Board pictures confirming this. He also said that the location of his septic system and propane tanks presents other problems.

Mr. Annett said that topography, and the location of the septic tank and propane tanks are key points.

Mr. Carley asked Mr. Kish is the items shown in his pictures under a tarp would be put into the garage and Mr. Kish said yes they would.

Mr. Annett said that if the garage was granted, there should be no outside storage of auto parts, tires, etc.

After further discussion, Mr. Carley made a motion to approve the variance as requested as hardship had been demonstrated due to the location of the septic system, the propane tanks, and the topography of the property. Barbara O'Connor seconded the motion. The Board voted as follows:

- Charles E. Annett....."Yes"
- Alan Clavette....."Yes"
- Ross Carley....."Yes"
- Barbara O'Connor....."Yes"
- Janis Nezvesky-Schertzer....."Yes"

Mr. Annett then asked the secretary to read the notice for the next hearing, the application of William and Diane Day for a variance of Section 7.02.100 of the Zoning Regulations for the erection of a garage too close to the property line. The property is located at 8 Dug Hill

Road in the Town of Newtown in a R-2 Zone.

Mr. Annett then asked the applicant to come forward and give his name and address for the record.

Mr. Day said that he would present his application. Mr. Day said that his garage is being proposed at the end of his driveway. He said that he can't move it any further back due to the location of ledge. He also said that there was a steep elevation right behind the proposed garage. He continued and said on the other side of his property, there are leeching fields and utility easements.

Ms. O'Connor asked is the garage going to be two stories? Mr. Day said yes but he only wanted a personal office upstairs with no bathroom. Mr. Day said that his neighbors had no problem with it.

Mr. Clavette said this was a difficult property. Mr. Clavette then made a motion to approve the variance as presented as hardship had been demonstrated due to the topography, the narrowness of the useable area, and the location of the septic and utility lines. Mr. Carley seconded the motion: The Board voted as follows:

- Charles E. Annett....."Yes"
- Alan Clavette....."Yes"
- Ross Carley....."Yes"
- Barbara O'Connor....."Yes"
- Janis Nezvesky-Schertzer....."Yes"

Mr. Annett then asked the secretary to read the last application on the agenda which is the application of Matthew H. Capozzello for a variance of Section 7.02.100 of the Zoning Regulations for the rebuilding and expansion of a garage too close to the property line. The property is located at 235 South Main Street in the Town of Newtown in a M-1 Zone.

Mr. Annett asked the applicant and or his agent to come forward to present the application. Attorney Stephen Savarese said he was representing the applicant. He explained to the Board that this was a non-conforming situation and there was no other location that would make it conforming. He said that the applicant would place it farther from the property line, but would still require a variance. Mr. Savarese said that they had tried to buy some land from the D'Addario Corporation but could not at this time. He then gave a copy from the D'Addario Corp. to the Board for the file. He then said that the location of the pond and brook created another hardship.

The Board then read the letter from Mr. Frenette into the record and discussed the body shop subject. The Board discussed that the only body shops that were legal were those that were non-conforming. The applicant then said that he had a relationship with Mr. Mate previously and allowed him to use his garage, but that this relationship would cease if he was allowed to build his new garage.

After further discussion where the Board discussed that items that were stored outside should be put into the garage if it was approved and Mr. Annett said that if it was approved, he would also go out when the C of O was issued to make sure that there were no zoning violations.

Mr. Clavette then made a motion to approve the application as presented as the new location would be less non-conforming and that there was no other location due to the wetlands, existing pond and brook. Barbara O'Connor seconded the motion. The Board voted as follows:

- Charles E. Annett....."Yes"
- Alan Clavette....."Yes"
- Barbara O'Connor....."Yes"
- Ross Carley....."Yes"
- Janis Nezvesky-Schertzer....."Yes"

A motion was made to adjourn at 10:05. All voted in favor.