



TOWN OF NEWTOWN

ZONING BOARD OF APPEALS

MINUTES

Regular Meeting of July 16, 2014 at 7:30 pm

Meeting Room #3, Municipal Center, 3 Primrose Street, Newtown CT

*These Minutes are Subject to Approval by the Zoning Board of Appeals*

**Members Present:** Charles E. Annett (Chair), Ross Carley, Alan Clavette (Vice-Chair) and Timothy Cronin,  
**Members Not Present:** Barbara O'Connor (Secretary); **Alternates Present:** Jane Sharpe and Herb Rosenthal;  
**Alternate Not Present:** Roy Meadows; **Staff Present:** Jean St. Jean, ZBA Clerk and Tammy Hazen, recording;  
**Also Present:** Atty. Paul Pollock from Bai Pollock Blueweiss & Mulchahey.

The meeting of the Zoning Board of Appeals was called to order by Chairman Charles Annett at 7:13 pm. Mr. Annett asked Mr. Clavette to call the roll.

Mr. Annett motioned to go into Executive Session at 7:14 pm with Atty. Paul Pollock and Jean St. Jean invited to attend. The motion was seconded by Mr. Cronin.

Mr. Cronin motioned to adjourn Executive Session at 8:05 pm. The motion was seconded by Mr. Clavette and was unanimously approved. Mr. Clavette then motioned to open discussion on Docket #14-02. Mr. Cronin seconded the motion and all were in favor.

**DOCKET #14-02 Application of John Neuhoff for the Correction of an Alleged Error by the Zoning Enforcement Officer for property located at 48 Algonquin Trail in the Town of Newtown in an R2 Zone.**

Mr. Annett explained that this application was heard on May 7<sup>th</sup> and June 4<sup>th</sup> 2014. He asked for discussion from the Board Members. Mr. Clavette said that since all members have reviewed the file and that legal questions posed to Atty. Pollock were answered, he was ready for a motion. After no further discussion:

Mr. Clavette motioned to uphold the Zoning Enforcement Officer's orders for the following reasons:

1. The lot is nonconforming and was never part of an approved subdivision;
2. The structure on the lot, even if used as a residence, has not been used as a residence since at least before July of 1975, as evidenced by the Tax Assessor's records indicating abandonment; The present condition of the building including a tree growing through the center of the structure; and the applicants representative stated that no one had lived in the structure since before 1958. Therefore, the use of the structure as a residence, if it ever existed, has long been abandoned;
3. The existence of some plumbing and heating in the structure were installed without permits, therefore are nonconforming and illegal.

Mr. Cronin seconded the motion. Mr. Rosenthal abstained. All were in favor.

Charles E. Annett..... "Yes"  
Alan Clavette ..... "Yes"  
Timothy Cronin..... "Yes"  
Ross Carley ..... "Yes"  
Jane Sharpe ..... "Yes"

**DOCKET 14-06 Application of Northwood Builders / John Weiss for a Variance of Section 7.02.100 of the Zoning Regulations to permit the building of a garage addition too close to the property line. The property is located at 4 Scenic View Drive in the Town of Newtown, CT in an R-2 zone.**

Mr. Clavette read the docket. Mr. Annett asked the applicant to come forward and explained the hearing process. John Weiss from Northwood Builders, Carmel NY, was present and stated he was representing the applicant, Mary Hawley Veach from 4 Scenic View Drive in Newtown, CT. Mr. Weiss explained their proposal to remove a portion of the existing structure and then build an addition against that part of the house. The addition includes a two car garage below with a family room above. The hardship was due to the property being on a corner lot and with wells, septic, and topography, there are no other alternatives.

Mr. Cronin asked about the curb cut and if the existing driveway will be abandoned. Mr. Weiss explained the grading and the need for a retaining wall. Ms. Veach said the existing driveway has pavers so they will just keep that as a patio. No cars will be parked there.

Mr. Rosenthal asked how much closer to the road the new structure will be. Mr. Weiss said it's only six feet closer. Mr. Carley discussed the sight line and that the addition is actually farther away from the street since the Town had taken a portion of the property in order to widen the street, which was never done. The applicant was asked to be careful of planting vegetation that would inhibit a sight line while entering and exiting the driveway.

Mr. Annett read a letter dated July 16, 2104 from Mr. C. Pilchard of 189 Hanover Road stating he had no objection to the addition. After no members of the public spoke for or against the application, Mr. Annett declared the hearing closed at 8:24 pm. After reviewing all documentation and testimony;

Mr. Cronin motioned to approve the variance as presented given that hardship was demonstrated due to the topography of the land, size of the lot, and the location of the septic, the septic reserve and the well. It was the only place an addition could be placed. Ms. Sharpe seconded the motion. The motion was unanimously approved.

Therefore, the Board **APPROVED** the application of the variance as presented.

- Charles E. Annett..... "Yes"
- Alan Clavette ..... "Yes"
- Timothy Cronin..... "Yes"
- Ross Carley ..... "Yes"
- Herb Rosenthal..... "Yes"

Mr. Carley motioned to adjourn and Mr. Clavette seconded. The motion was approved and the meeting adjourned at 8:29 pm.