

**TOWN OF HADDAM
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
THURSDAY, 31 MARCH 2016
APPROVED MINUTES
*Approved as Submitted at the 28 July 2016 Meeting***

ATTENDANCE

X	Margo Chase-Wells
X	Marjorie W. DeBold, Vice Chairman
X	Mary Hickish
X	Robin Munster, Chairman
A	Kenneth Wendt
X	Thomas Berchulski, Alternate – Seated – Pekarul and French applications
X	Anthony Matterazzo, Alternate (7:36 p.m.)
X	Neal Perron, Alternate – Seated – Pekarul application
A	Liz West Glidden, Town Planner
X	Jim Puska, Zoning Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mrs. Munster, chairman, called the meeting to order at 7:31 p.m.

2. Attendance/Seating of the Alternates

Attendance was taken and all regular members as well as Mr. Berchulski and Mr. Perron, alternates, were seated.

Mrs. Munster read the Legal Notice, as printed in the Middletown Press, into the record. Mrs. Munster explained the public hearing/meeting process to the applicants.

3. PUBLIC HEARING

A Variance to Allow a Detached Accessory Building (a garage) Ten Feet from the Rear Property Line and One Foot from the Side Property Line Where 20 Feet is Required Per Section 4, Table 1, of the Town of Haddam Zoning Regulations for Property Shown on Tax Map 14, Lot 078 and Known as 416 Saybrook Road.

Russell Pekarul, owner/applicant, and Lynne Cooper, were present.

Mrs. DeBold recused herself from this matter.

The Certificates of Mailing (Exhibit A) had been previously submitted and were located in the file.

Ms. Cooper stated that the existing garage, built in the early 1940s, is not wide enough for two vehicles and they would like to replace it. Ms. Cooper also stated that the existing structure is approximately one foot from the property line on the south and east sides and that they were prepared to move the proposed structure to the west the full ten feet until they saw the break off requirement of 550 square feet or less. The proposed structure is 574 square feet and requires a 20 foot setback.

In reviewing the sketches, Ms. Cooper noted that the proposed structure has been moved from the current footprint to 10 feet from the property line to the east. Ms. Cooper also stated that the structure can't be moved any further due to a center tree garden within the driveway and it can't be moved any further north (leaving it at the one foot mark) due to the septic system.

Ms. Cooper reported that all abutting neighbors have been notified and spoken to several of them. Ms. Cooper also reported that the neighbor whose property lines are being discussed tonight have discussed this matter with him at length and is o.k. with this. Mr. Pekrul provided a copy of a letter from Vincent Spada (Exhibit B).

Mr. Pekrul stated that the existing structure is approximately 23 feet deep by 17 feet wide and that the proposed structure is a standard 1 ½ story two car garage. Ms. Cooper stated that the proposed structure is 24 feet by 24 feet. Mr. Pekrul stated that there is storage space on the second level of the existing building and there will be storage on the second level of the new building as well. Mr. Pekrul noted the height (20-21 feet) of the existing and proposed structures are the same and that shutters will be added to the windows.

Mrs. Munster read a letter of support from Vincent Spada, 418 Saybrook Road, dated 20 March 2016.

Mr. Berchulski asked if there was any input from Liz Glidden, Town Planner. Mrs. Munster stated no; and asked Mr. Puska if there was any input. Mr. Puska stated that both he and Mrs. Glidden have reviewed the matter with the applicant and are fine with the proposal.

Mr. Pekrul stated that formal construction drawings have not been generated as they were waiting for permission from the Board before moving forward.

Prior to the close of the hearings, Mr. Pekrul asked if a topography map was part of the file. After review of the file, the map was located.

A Variance to Allow a Detached Accessory Building (a garage) Four Feet from the Side Property Line Where 10 Feet is Required Per Section 4, Table 1, of the Town of Haddam Zoning Regulations for Property Shown on Tax Map 42, Lot 21-6 and Known as 58 Valley Ridge Drive.

David French, owner/applicant, was present.

Mr. French clarified his address as Valley Ridge Drive not Road as written on the agenda. Mrs. Munster stated that the amendment will be noted within the minutes. Upon review of the motion, Mrs. Munster noted that the address was correct.

Mr. French also clarified stated that he doesn't plan to build a garage, but rather an outbuilding (a small studio) for his wife to allow her to do her artwork. Mr. French stated he has spoken to a contractor in terms of building three walls of windows and a solid wall to the back that would abut one of the neighboring properties (Nettleton). Mr. French stated that the structure would be less than 200 square feet and that he would install electricity.

Mr. French stated that one of his neighbors, Robert Nettleton, is aware of the project and has no issue with it. Mr. French also stated that he requested a letter from Mr. Nettleton, but didn't receive one.

Mrs. Chase-Wells asked Mr. French to explain the hardship. Mr. French stated that hardship is the land – a one and one-third acre parcel that pitches off to the back; septic area is in the backyard; and a portion of the yard is wetlands (using the plot plan, Mr. French pointed the location of these features out).

Mr. French stated that he would like to keep the studio close to the house. Mrs. Chase-Wells asked if there is an old shed or some other structure located on the proposed site. Mr. French stated no, but a couple of trees will need to be removed. Mr. French told the Board that he probably wouldn't do anything if he couldn't do what he's proposing.

Mr. French submitted the Certificates of Mailing and noted that the letter to the State of Connecticut was returned to him (Exhibit A).

Mr. French stated that he and Mr. Nettleton walked the property line and that he thought Richard Radizwon, the other abutting neighbor, would have attended the meeting.

Using the plot plan, Mrs. Munster asked Mr. French if a section of the property was level. Mr. French stated no, that it's pitched and there are trees with only enough room to drive a vehicle.

Mr. Berchulski asked Mr. French if he'd explored the possibility of attaching the proposed studio to the house. Mr. French explained that some time ago he had a tree fall on the house destroying half of the back porch; and at that time had contemplated expanding the family room or the living room to include a studio with a full foundation and basement, but was advised he couldn't because he would be too close to the septic tank.

Mrs. Munster stated that looking at the plot plan there appear to be other areas where the proposed shed might be able to go, noting that her parents had done something similar by placing a shed up close to their house. Mrs. Munster asked Mr. French if he had thought of placing the structure closer to the house in order to avoid the need for a variance. Mr. French stated he looked at it in terms of something smaller for the storage of tools, a lawn mower, or snow blower, but not for this particular proposal.

Mrs. Chase-Wells asked why the proposed shed had to be so far from the house. Mr. French stated the structure would only be 10 feet from the house.

Mr. Perron asked if the structure will be heated. Mr. French stated that his brother-in-law suggested insulating the structure, but that he plans on installing electricity as well as a small wood stove. Mr. Puska stated if the variance is approved, electrical permits will be required if electricity is installed. Mr. Puska also stated that if a wood stove is installed, a building permit is required; and noted that the proposed structure is rather small for a wood stove. Mr. Perron asked if the neighbor was aware of the wood stove; and may potentially complain about the wood smoke. Mr. French stated his neighbor has burned wood for the last 30 years and doesn't believe he would complain. Mr. Puska stated there is the option of a propane stove.

Mr. Berchulski suggested if the proposed structure were placed on the south side of the house, Mr. French would have a significant solar gain, at no cost, and it would be a three season building as opposed to two. Using the plot plan, Mr. French pointed out the location of the trees on his property.

Mrs. Munster asked Mr. Puska if there was any input from Mrs. Glidden. Mr. Puska stated no.

MOTION: Margo Chase-Wells moved to close the public hearings and open the public meetings at 8:03 p.m. Marge DeBold second. Motion carried unanimously.

Mr. Puska explained to the applicants the time frame when work can begin if approval is granted.

4. PUBLIC MEETING

A Variance to Allow a Detached Accessory Building (a garage) Ten Feet from the Rear Property Line and One Foot from the Side Property Line Where 20 Feet is Required Per Section 4, Table 1, of the Town of Haddam Zoning Regulations for Property Shown on Tax Map 14, Lot 078 and Known as 416 Saybrook Road.

Russell Pekrul, owner/applicant, and Lynne Cooper, were present.

Mrs. DeBold recused herself from the matter.

Board members seated: Chase-Wells, Hickish, Munster, Berchulski and Perron.

Mrs. Munster stated that she didn't have any issues with the proposal as it's close to the existing foot print and they propose to move the garage by 10 feet. Mr. Berchulski agreed with Mrs. Munster and stated that they reducing the encroachment on the setback (a favorable move). Mr. Perron stated that the neighbors are supportive of the proposal.

MOTION: Mary Hickish moved to approve a variance to allow a detached accessory building (a garage) ten feet from the rear property line and one foot from the side property line where 20 feet is required per Section 4, Table 1, of the Town of Haddam Zoning Regulations for property shown on Tax Map 14, Lot 78 and known as 416 Saybrook Road. **Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/ Modifications – No. Margo Chase-Wells second. Motion carried unanimously.

A Variance to Allow a Detached Accessory Building (a garage) Four Feet from the Side Property Line Where 10 Feet is Required Per Section 4, Table 1, of the Town of Haddam Zoning Regulations for Property Shown on Tax Map 42, Lot 21-6 and Known as 58 Valley Ridge Drive.

David French, owner/applicant, was present.

Board members seated: Chase-Wells, DeBold, Hickish, Munster, and Berchulski.

Mrs. Munster stated that her questions to Mr. French during the public hearing in regard to relocating the proposed building were an attempt to avoid the need for a variance. Mrs. Munster also stated she understands that the number of trees, the location of the septic system, and the sloping of the property limit potential locations; however, it's unclear to her as to whether the option of moving the shed closer to the house was truly looked at.

Mr. Berchulski stated that the Board as always looked at the percentage of variance requested and this is a rather large request. Mr. Berchulski requested that if the variance is granted, that there be a condition that the shed be 200 square feet or less noting that there is nothing concrete within the proposal submission only verbal testimony. Mr. Berchulski stated other opportunities should be considered.

Mrs. DeBold stated that she understands the need for light on several sides of the accessory building (studio). Mrs. Hickish stated lighting for a studio would be a problem if the building were moved up against the house. Mrs. Chase-Wells stated light for the house as well as the studio would probably be lost if the proposed shed were placed against the house.

Mrs. Chase-Wells asked how much room is required from the property line. Mr. Puska stated 10 feet, and that Mr. French is requesting a six foot variance (placing shed four feet from the property line).

Mrs. Munster stated that the proposed shed would be 10 feet from the house; and that is why she suggested moving the structure closer to the house.

Mrs. Chase-Wells noted that neither neighbor appeared before or submitted letters either for or against to the Board.

Mrs. Chase Wells stated that moving the structure 10 feet closer to the house wouldn't permit for the door to be opened and it would impede the lighting for both the studio and the house.

In regard to the lighting, Mrs. Munster noted that there are a number of trees on the property. Mr. Berchulski stated that he feels anything that is discussed pertaining to that topic is speculation, since there are no photos or drawing submitted. Mrs. Munster agreed.

Mr. Matterazzo questioned the footage as depicted on the plot plan – 41 feet 6 inches. Mrs. DeBold and Mrs. Munster both stated that it appears to be nine feet.

Mrs. Munster stated that the only proposal she could suggested is a site walk. Mr. Berchulski noted that the public hearing is closed.

Mrs. DeBold, Ms. Hickish, and Mrs. Munster all stated that they viewed the property from the road and they could see the steepness of the property, but they couldn't see the back of the property.

Mrs. DeBold questioned whether a buffer would be needed to separate the proposed structure from the Nettleton property. Mrs. Munster stated that testimony was given that Mr. Nettleton didn't have a problem with the proposal; therefore, a buffer wouldn't be required.

Mr. Berchulski stated based on the percentage of variance being requested he voted against. Mrs. Chase-Wells, Mrs. DeBold, and Ms. Hickish stated they would be voting in favor. Mrs. Munster stated she would be voting against. Mrs. Munster informed Mr. French that the variance was denied.

MOTION: Mary Hickish moved to approve a variance to allow a detached accessory building (a garage/shed 200 square feet or less) four feet from the side property line where 10 feet is required per Section 4, Table 1, of the Town of Haddam Zoning Regulations for property shown on Tax Map 42, Lot 21-6 and known as 58 Valley Ridge Drive. **Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/Modifications – No. Marjorie W. DeBold second. Motion was denied by a 3 to 2 vote.

Mr. Puska informed Mr. French that he can reapply unless he can come up with another plan that wouldn't require a variance (no application required).

Mr. French asked if he could make a comment before he left the meeting. Mrs. Munster stated that any comments could be made in a letter or he could visit the Land Use Office.

5. Approval/Correction of the Minutes

MOTION: Marge DeBold moved to approve the 25 February 2016 minutes as submitted. Margo Chase-Wells second. Motion carried unanimously.

6. Open Discussion

Mr. Berchulski discussed the lack of to scale drawings and photographs to show the property or the proposed shed; and that the Board shouldn't make decisions based on inadequate information. Mr. Matterazzo stated that there were no submissions from the neighbors and that Mr. Perron asked a very important question in regard to the wood stove (stove pipe would only be 10-12 feet high; wood smoke would be lower to the ground). Mrs. Munster stated there wasn't sufficient information presented.

Mrs. Chase-Wells reported that she will not be available for the April meeting.

7. Adjournment

MOTION: Margo Chase-Wells moved to adjourn. Marge DeBold second. Motion carried unanimously.

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next regular meeting is scheduled for Thursday, 28 April 2016.