

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
CONFERENCE ROOM L101
131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111
JANUARY 7, 2016

I. ROLL CALL

Comm. Igielski: Louis Califano

Chairman Califano: Present

Comm. Igielski: Paul Plavcan

Chairman Califano: Absent

Comm. Igielski: Willard Bechter

Comm. Bechter: Present

Comm. Igielski: Audra Ekstrom

Comm. Ekstrom: Present

Comm. Igielski: Present.

Comm. Igielski: Nicole Pane

Comm. Pane: Present

Present:

Michael D'Amato
Zoning Enforcement Officer
and Assistant Town Planner

Chairman Califano: Before we begin, let me explain about how the ZBA meetings are run. There are two parts to the meeting. First is the public session where the petitioner will speak, give his name, address and comments on the petition and what the hardship is. After the petitions have been heard, anyone from the public may come up and speak for or against the petition. The public part of the meeting will then be closed and we will start our work session. The public may stay for the meeting but cannot make any comments. If the petitioner cannot stay for the work session, he can call the Building Department tomorrow and he will be given the answer to the outcome of the meeting. There are 4 regular members and one alternate. Judy Igielski will fill in as a full commissioner. You will need 4 out of the 5 votes to have your petition passed.

ZONING BOARD OF APPEALS 2 JANUARY 7, 2016

Chairman Califano: Would you please read the first petition.

A. PETITION 00-16-01 David G. LaFreniere Jr of 28 Cornish Drive is seeking a Variance of 3'5" from the required 10' of the Newington Code Section 4.5 concerning side yard setbacks for lots in the R20 Zone to construct an attached garage addition. Cornish Drive is located directly North of Lincoln Road. 28 Cornish Drive is located on the northern portion of the street.

Comm. Califano: David, will you have a seat please. State your name, address.

Mr. LaFreniere: Good evening ladies and gentlemen, my name is David LaFreniere, Jr. and I reside at 28 Cornish Drive in Newington and I am seeking to apply for a variance to put a second garage, an additional garage on the eastern side of my residence and the reason for the - putting the second car garage is recently there is a zoning law passed Section 3.22.1 that doesn't allow a commercial vehicle to park in front or on the street and I own my own business and have a commercial vehicle for my business and it falls under this criteria. I have an unusual hardship that I need to keep this vehicle at my residence. It is where I do all of my business out of and I have no way of parking it anywhere other than either in my driveway or in the street at this present time and I have to find a way to conduct business and obviously I am applying and basically my hardship is that I have this law that was passed here and I need to house my vehicles and I thought long and hard of a way around this where I wouldn't have to put an additional garage but my vehicle doesn't fit into the garage that I have now and there is no where else that I would be able to park it where it wouldn't be seen from the street or whatnot, so the only thing I could come up was to build an additional garage. The roof on it would be the same height as the house now but the door height would be elevated so that I could put my vehicle in and it would be secure in there. Additionally, I have the need to put the vehicle and I have alot of expensive tools and to avoid from unsightliness in terms to vehicles and equipment and stuff like that and leaving them outside I would house everything in the garage and it would protect it from vandalism so therefore that would help me greatly and what not. I went ahead and sought out my neighbors and I have signatures and letters that should be in your packet.

Chairman Califano: Yeah, we have them.

Mr. LaFreniere: Okay and I spoke to both my neighbors that are bordering me as well as people on the street and what not and got their opinions on how they felt and their approval for this.

Chairman Califano: Questions from the commissioners.

Comm. Richter: You say you have a van. I can see down there that your plans of building a 45 foot long garage - that's a big van.

Mr. LaFreniere: Yes, it is not a normal rear, it is an extended rear and this would allow me to park a pick up truck behind it and the van in front of it, so that there would be nothing outside of the house in terms of commercial vehicles and that is only going to go back as far as there is a little like a porch, a breezeway there, is not depicted in the plot plan, 13x13 so it is going to go back a little bit further than this but it is not going to be - actually it's not even depicted there . When I purchased the house, the 13x13 room is actually within the house. That was put on as an addition prior - there is a porch that is behind that little 13x13 addition that comes out the additional footage that I am looking for, it is right there already.

Comm. Richter: Now, the other question that I have, because I went over there and I looked at it, if I was a neighbor, I would be wondering especially if I see a van here 45 feet long and a configuration of what you have for a roof right now, how are you going to design, are you going..

Mr. LaFreniere: The roof line has to change so what is going to happen is the roof that is over the garage now will be turned and everything will be uniform so it will be a step down from the additional roof on it. It will step down from the initial roof but it will be the same but it will all be aligned and the same as the house and the roof line will be the same and I actually spoke to my neighbor Jan and I told her this is what I plan to do and I asked her how she felt about it and she said she was fine with it

Comm. Richter: I see where you said 'to whom it may concern I am applying for a variance of approximately 3 feet 5 inches'...it can't be approximate, it is 'either/or'.

Mr. LaFreniere: It will be within 3 feet, 5 inches.

Comm. Richter: Okay.
I do not have any other questions.

Comm. Pane: I did drive by and look at the property and I understand that all of the neighbors are in favor of this and he is trying to comply with the regulations and I don't see why not, his neighbors seem to be happy, I don't see why not.

Chairman Califano: Okay, I think that is it.

Mr. LaFreniere: Thank you. Thank you very much.

PETITION 00-16-02 Jack Tardif of 72 Lydall Rd is seeking a Variance of 4'0" from the required 10' of the Newington Code Section 4.5 concerning side yard setbacks for lots in the R12 Zone to construct an addition. Lydall Rd is located between Longview Drive and Wakely Rd.

Michael Jarvis: My name is Michael Jarvis and I am Mr. Tardif's designer for the addition for his home. Mr. Tardiff would like to put an addition on requesting a variance of 10' to 6' which amounts to a 4' variance on the side yard as stated on the application and the house was constructed prior to current zoning regulations and we felt that adding on to the back of the house had no adverse effect to the neighborhood and stays within the parameters of height and foot print.

Chairman Califano: And the hardship?

Michael Jarvis: Once again, it is the existing lot, a nonconforming lot prior to present zoning regs.

Comm. Califano: This is the layout?

Michael Jarvis: Yes, it doesn't increase the height.

Chairman Califano: It is just going to go out as the other side of the house.

Michael Jarvis: Exactly, and the site plan has more than the required rear yard.

ZONING BOARD OF APPEALS 4 JANUARY 7, 2016

Comm.Bechter: It will not be any closer than the existing lines.

Michael Jarvis: Exactly.

Chairman Califano: So if you did not get the variance you would be 5 feet short all the way out for square footage?

Michael Jarvis: Right, and I understand it has to deal with the property for aesthetically it would not be concert with the neighborhood.

Chairman Califano: Anything from the neighbors?

Michael Jarvis: We have not received anything - no.

Chairman Califano: And the sign has been put up on your property so the neighbors all know what is coming? Has anyone questioned you on it as far as the size or anything?

Michael Jarvis: No. No.

Chairman Califano: Any questions from anyone?

Comm. Igielski: I drove by and the work that has been done up to this point has been very good.

Chairman Califano: Would you like to read Petition C please.

PETITION 00-103 John S. Interlandi of 115 Connecticut Ave is seeking a Variance of 27'10" from the required 35' of the Newington Code Section 4.5 concerning front yard setbacks for lots in the R12 Zone to construct an addition at 115 Connecticut Ave which is located on the south side of Atwood St on the West side of the road.

Chairman Califano: John, would you like to step up here and state your name, address and your hardship.

John Interlandi: Good evening, my name is John Interlandi of 115 Connecticut Avenue in Newington. I submitted a package and there is some unique land in the area of Connecticut Avenue in front of my home and the homes that are adjacent running from 68 Kirkham Place and 145-148 Connecticut Avenue. The uniqueness in that area has to do with the past railroad and a small road that connected Kirkham back in the 30's with two rights of ways in front of my property and the adjacent property next to me, so that is one of the unique features of the land and the properties are very small, 7,000sf approximately and I believe the current town code is 12,000sf. I did have a recent survey done on the property, this was back in 2007 and had a detached garage placed on the property. I worked closely with Art Hanke at the time. So the uniqueness so we could slide by with the right of way instead of run out of distance from the back to the front of the home to the street, the proposed addition is the one I could design or propose here. It is one level with the same pitch as the roof. I felt that was the best use of the property and the uniqueness of the property itself so that is what I have for your consideration this evening.

Chairman Califano: So that part that you are building is going to come out towards the street?

Mr. Interlandi: That is correct. It will be an L-shaped ranch, similar to L-shaped ranches, yes, toward the street, that is correct.

Comm. Pane: Did you put an addition on as well prior as what it was before from what was sticking out extra...

Mr. Interlandi: ...no, that is the original home, my home was built, I cannot remember the exact year, the attached garage was just added in 2007.

Comm. Igielski: When I drove by I sat out in front for a while because the lot is not straight. It is at a definite angle and the house that is on to your left has a brown fence. Who owns that fence?

MR. Interlandi: To my left?

Comm. Igielski: Right. Facing your home, a fence, of your neighbor?

Mr. Interlandi: Yes, he owns that house.

Comm. Igielski: Of course, that is not going to go on his property.

Mr. Interlandi: Facing the home from the front, bellshaped, the bumpout would be to the right.

Comm. Igielski: It looks like the fence is really close to what I guess is the garage, or part of it. It will change the location of your front door?

Mr. Interlandi: It would, yes.

I guess the best depiction of that is shown on Slide #7 showing not the best picture, I am not an artist but showing the bumpout, the right side coming out and the front entrance would be part of the bumpout.

Comm. Igielski: And your garage would still be set back.

Mr. Interlandi: Yes, that is shown in slide #7 where you see the garage in the background there.

Comm. Richter: That is where the trolley tracks are.

Mr. Interlandi: Yes, it is.

Chairman Califano: So it will look pretty much like that house that is on Church Street?

Mr. Interlandi: Yes, similar to that and the property itself in front of the home, really, I would say 3/4's of it belongs to the Town with the right of way; only a very small portion is the concrete - is my property.

Chairman Califano: Mike, any comments about the town's right of way?

Mr. D'Amato: We do have a right of way and he came in and he looked at a copy of that and so that is why you are seeing him here, but there is a section on Connecticut Avenue that does have a double right of way, so the road traditionally is a 60 foot right of way. Connecticut Avenue is no different, but then on the west side of Connecticut Avenue where there are a dozen houses or so there is an additional 50 foot right of way that is still...it was not abandoned or wasn't given to the properties.

Comm. Pane: My only issue is that if we give it to one, we are going to have to give it to all. All the houses seem to be the same way and the same distance from each other as it is so now with the bumpout it is going to look...

Chairman Califano: ...oddly laid a little bit.

Comm. Pane: Very oddly, yeah! Even driving down the road you can tell, even on the other side even though they don't have much of a space in front of them, everyone is in the same size, same everything and it is, just, what if something does happen that area does is not going to have much of a space left over from his property line to what the town is owning that, you know, from where the house is going to sit how far away the property line is going to be, is that going to be safe as well on the other side of the street.

Comm. Richter: It is a 50' right of way which they would be going into and if anybody else wants to do it, they are still going to have to...

Comm. Igielski: ...is this normal?

Comm. Richter: No, it is not a normal street, you see, it used to be the old trolley tracks and I lived there when it was an open field/

Mr. Interlandi: So that is all I need is that small section where the road in 1931 was abandoned.

Chairman Califano: Thank you.

Mr. Interlandi: Thank you for your consideration.

Chairman Califano: Can I have a motion.

Comm. Richter: I make a motion to close the public hearing.

Comm. Bechter: Second.

Chairman Califano: Aye.

III. WORK SESSION- PETITION 00-16-01

ZONING BOARD OF APPEALS 7 JANUARY 7, 2016

Comm. Igielski: David G. LaFreniere of 28 Cornish Drive is seeking a variance of 3'5" from the required 10' of the Newington Code Section 4.5.

Chairman Califano: The petitioner from Cornish Drive is looking to build a large garage addition to his property so he would be allowed to put his commercial vehicles in the garage, the hardship given was the new zoning laws that were put into effect by the town recently as far as putting commercial vehicles on the property and also the petitioner is claiming it to be a safeguard for his equipment in his trucks. Comments from the commissioners.

Comm. Richter: He answered all of the questions that I had.

Comm. Pane: His neighbors seem to be happy.

Comm. Igielski: I was impressed that he went to them - very considerate.

Chairman Califano: We need a motion.

Comm. Igielski: I move that we grant Petition 00-16-01.

Comm. Brechter: Second.

Chairman Califano: All in favor? Aye unanimously. The motion passed.

Comm. Igielski: Jack Tardif of 72 Lydall Rd is seeking a Variance of 4'0" from the required 10' of the Newington Code Section 4.5 concerning side yard setbacks for lots in the R12 Zone to construct an addition.

Chairman Califano: The petitioner is seeking a variance, his hardship being based on the sideyard which was predated, he states, from the current zoning regulations - years ago, I guess they had a different format of designing the lots in town and some of them are odd shaped, this being kind of one of them, I guess and that whole section. Any comments from the commissioners?

Comm. Bechter: The existing structure is closer to the property line than the one planned, and will just give more space.

Comm. Richter: I like the design of it.

Chairman Califano: Also I think as far as the appearance where he is going to put the addition, it is going to be attached to the house that is there already and won't be something that is going to be out of shape or out of distance. I guess he is doing quite a bit of work and you won't recognize it probably, when it is done.

Comm. Richter: No one is living there right now.

Chairman Califano: No, I don't think they could because of construction. Can we have a motion.

Comm. Bechter: I move we grant the request.

Comm. Richter: Second.

Chairman Califano: All in favor.

Aye unanimously.

Petition C please.

Comm. Igielski: Petition 00-16-03 John S. Interlandi of 115 Connecticut Avenue is seeking a Variance of 27'10" from the required 35' from the required 35' of the Newington Code Section 4.5 concerning front yard setbacks for lots in the R12 Zone to construct an addition.

Chairman Califano: The petitioner is looking for his variance to add an addition to his house, in front of the house actually that is going to be facing Connecticut Avenue. There is a variance to the property I guess from the town, it is actually town property that was used many, many years ago for a transit system, long gone and he has had no complaints from any of his neighbors and the only comment I would have is and one of the commissioners pointed that out is that it is going to be sticking out close to Connecticut Avenue and I do not know if that is going to make any difference as far as the aesthetics of the neighborhood.

Michael D'Amato: The only thing I would just add is that if you approve of one property based on specific findings, you won't have any legal requirement to approve of subsequent applications.

Chairman Califano: If someone were to come in a year from now or six months and said, well, he did it next door, we don't have to just say yes, you can get it, right?

Michael D'Amato: Correct. I did not bring them, but I did look just to verify, I don't know what the subdivision looks like but his is considerably smaller than some of the other ones and I do not know how those properties were cut up but some of them are bigger because they are corner lots but the right of way at this point, I am not the Town engineer but it is only 12 lots that an addition could be the right of way.

Comm. Richter: The residents are taking care of the property for the town, they are cutting your grass, and that is a plus.

Chairman Califano: We need a motion on Petition 00-16-03.

Comm. Bechter: I move we approve the request.

Comm. Richter: Second..

Chairman Califano: All in favor? Aye unanimously. The petition passes.

I will entertain a motion to close the work session.

Comm. Igielski: So moved.

Comm. Richter: Second.

V. MINUTES OF PREVIOUS MEETING

October 1, 2015

ZONING BOARD OF APPEALS 9 JANUARY 7, 2016

Chairman Califano: Any omissions or corrections?

Comm. Richter: No.

Chairman Califano: Sophie did a good job again, as usual, very good Sophie.
All in favor of approving the minutes? Any unanimously.

VI. COMMUNICATION AND REPORTS

None at this time.

VII. NEW BUSINESS

None.

VIII. OLD BUSINESS

None.

IX. ADJOURNMENT

Commissioner Califano: Motion to adjourn.

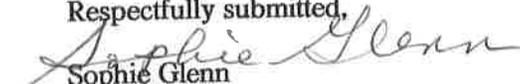
Comm. Richter: I make a motion that we adjourn the meeting.

Comm. Igielski: I second the motion.

Chairman Califano: All in favor? Aye unanimously.

The meeting adjourned at 7:30 P.M.

Respectfully submitted,


Sophie Glenn
Recording Secretary