

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
CONFERENCE ROOM L101
NEWINGTON, CONNECTICUT 06111
AUGUST 4, 2016

I. MEMBERS PRESENT

Chairman Louis Califano
Commissioner Willard Bechter
Commissioner Nicole Pane
Commissioner John Richter (absent)
Commissioner Audra Ekstrom
Commissioner Paul Plavcan (absent)
Commissioner Timothy Hutvagner
Commissioner Judith Igielski
Also present:

Michael D'Amato
Zoning Enforcement Officer
and Assistant Town Planner

Chairman Califano: There are two sessions of the meeting, the public session, plus the work session. The public session will be when the petitioner will be asked to come up to the microphone and give their name and address and hardship and after we go through that we will ask the public if there is anyone here who wants to comment either for or against the petition. You will need 4 of the 5 commissioners to vote either for or against your petition. We do have enough members here tonight so there is no problem. We will be filling in with two alternates Commissioners Igielski and Pane. The other alternate can participate but she does not have any vote. Judy, will you take the roll call please.

Louis Califano - Present
Willard Bechter - Present
John Richter - Absent
Audra Ekstrom - Here
Judith Igielski: Here
Nicole Pane - Here
Timothy Hutvagner - Here

Michael D'Amato
Zoning Enforcement Officer
and Assistant Town Planner - Here

Chairman Califano: Tim, you can participate in the work session but, you do not have a vote on the final outcome.

Comm. Hutvagner: Okay.

PETITION 00-16-08 Ken Potter of 190 Cambria Avenue is requesting a variance of 35ft from the required 35ft of Newington Zoning Regulations Section 4.5 concerning front yard setbacks for primary buildings in the R12 zone to facilitate a second means of egress. 190 Cambria Avenue is located on the East side of the street, directly south of Wilson Avenue.

Mr. Potter: I had to buy the property, site unseen; it was an auction through a bank and I could not view the property before purchasing it. Upon acquiring title to the property, I went inside and realized that the second floor only has one form of egress and that is through the back staircase. Any multifamily property, and especially the second floor, has two forms of egress, from the front and from the back. I tried to look at ways of putting in a second form of egress on the south side, I could not do that. I could not put it on the street side just because there is just no room, so the only location that I had available left was between the north side, between the driveway and the house. I also had after acquiring the property, had the insurance company come out and they also requested that the form of egress be added and had an architect come out and he rendered a drawing and put the egress from the second floor and put together a deck and then the staircase leading down and that is all I am asking for is for a variance so that we can add a second form of egress.

Chairman Califano: So the hardship is basically what the insurance company requires you to have.

Mr. Potter: Yeah, it requires me to have it and I am just trying to do the right thing by putting in the second egress. They put down, I don't think I even included this, they put recommendations secondary means of egress, provide a secondary means of egress for occupancy located above the ground floor, secondary egress must be conform to NFPA101 life safety code which are the standards for secondary egress.

Chairman Califano: So what you are going to do is build a deck and this stairway going down from the second floor.

Mr. Potter: Right.

Chairman Califano: Questions from the commissioners.

Comm. Bechter: The 35', is this from the house to the driveway?

Mr. Potter: I think the setback is to the main street.

Mr. D'Amato: See this here, the 35' front yard setback are the current requirements from the town, and as you can see, the whole house is built in the setback. The house would be required to be here, but, it was built here (pointing to diagram), The 35', he is asking for that, because essentially the front wall of the house sits on the property line, so the 35' is to facilitate that. This is where the right of way ends and his property begins, so regardless of where he went he was going to need a variance because he doesn't have an egress on the back. When was the house built? Correct me if I am wrong, but I know we talked about this when you applied, isn't the building department requiring this, didn't we talk about that?

Mr. Potter: Yeah, the building department; the insurance company.

Mr. D'Amato: I think when you said NFPA, that is the national fire code, correct?

Mr. Potter: Yeah.

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Chairman Califano: It's got to tell you, quite a few years ago, probably back in the early 1900's.

Mr. Potter: I can find out. 1907.

Mr. D'Amato: I made sure that it is a requirement, just the insurance requiring it is one thing, but our building inspector did talk about it and that is something they will look at, as well.

Chairman Califano: Any questions?

Comm. Igielski: This is just an aesthetic thing and I don't know if it means anything for what you are asking for, but there is a double window next to the garage windows, there is a double window on that floor, will that still stay there?

Mr. Potter: Yeah, it will stay there and I will remove one of the other windows and open the door.

Comm. Igielski: Okay, okay, that is what I was thinking, and right now they have access going back.

Mr. Potter: Right.

Comm. Igielski: Just one stairway.

Mr. Potter: Right.

Comm. Igielski: And are there two apartments, second and third floor?

Mr. Potter: One apartment is on the first floor and there is an apartment on the second and third floor.

Chairman Califano: Thank you very much.

PETITION 00-16-08: Peter and Colleen Kornichuck of 42 Broadview St are requesting a variance of 17'6" from the required 35ft of Newington Zoning Regulations Section 4.5 concerning front yard setbacks for primary buildings in the R12 zone to construct a front porch. 42 Broadview St is located on the South side of Robbins Avenue west of Willard Ave.

PETITION 00-16-09 Peter and Colleen Kornichuk of 42 Broadview St are requesting a variance of 7'6" from the required 10ft of Newington Zoning Regulations Section 4.56 concerning side yard setbacks for primary buildings in the R12 zone to construct a front porch. 42 Broadview St is located on the south side of Robbins Ave., west of Willard Ave.

Mr. Kornichuk: My name is Peter Kornichuk and my wife Colleen is here and we live at 42 Broadview Street, Newington, CT. We are asking for this variance for a number of reasons. Our house was built in 1925 which was before the new zoning laws which went into effect in 1954. Our backyard as you can see on this picture, if you walk through my house, the first floor, when you go out the back, is 9ft off the ground, that is how big of a grade we have in the back. Also, on your prints that you have, the print of 36 Broadview St there is on that house right now, there is a 5'x14' porch on the front of that house.

So that needs to be drawn on your plans, so that will make that house even closer to the front, it should be the first paper that you received and as far as the pictures that you received, you can see that our steps leading into our house, there isn't a single step on a concrete slab that are identical. We have people that won't even come into our house because of that step into the landing into our house, being 9-1/2". My wife does day care, and we actually have to have the kids crawl and get on their knees to make it up that one step.

Chairman Califano: What do you claim as a hardship?

Mr. Kornichuk: Well, the hardship is the depth of the back yard is why they moved the house so far, up front because if they had put it back farther, the foundation would have been outrageous, like I said, 9' right now, just to get in. Everyone of the houses on either side of us and the house across the street, have porches on it. We talked to all of them and they are all in favor of it, and they don't see where the harm is, especially since we won't be encroaching anymore into the 35' setback.

Comm. Pane: Is that considered a hardship?

Chairman Califano: No, that's not a hardship but the point that he is saying is that the back of the house, the way that the lot is laid out, is a lot higher than the other houses are on the street.

Comm. Pane: Okay, so he can't just fix the steps kind of thing.

Comm. Igielski: The brick that is against the wall is curved, and back toward the porch you have a straight line.

Mr. Kornichuk: The porch would be a straight line and still have part of the stone wall and a little portion would be beyond the porch.

Comm. Igielski: Okay, so the curved part would be gone because of the porch.

Mr. Kornichuk: Yeah. The porch will be inside the wall and will not extend beyond that.

Chairman Califano: What is the length of the porch?

Mr. Kornichuk: It is 6'x5" long.

Chairman Califano: The whole length of the house.

Mr. Kornichuk: I guess one section of the corner is almost 7' because of the way the house juts in.

Comm. Pane: So it will look like the top picture, right? Just on the first level, not going to the second.

Mr. Kornichuk: Yes. No second level.

Chairman Califano: That would be in line with the other houses on the street.

Mr. Kornichuk: Right. I want to keep it uniform with the porch we have right now.

Comm. Igielski: Is it part of the plans to fix the steps?

Mr. Kornichuk: Yes.

Chairman Califano: Anything from the town?

Mr. D'Amato: Nothing really from this one, I have not been on site, I know that some of the lots down there do have elevation and drop off in the back.

Colleen Kornichuk: There are porches on both sides of us and they have less or the same amount of footage for what we are asking, the house across the street has less footage than we would have so we are just confused, why we got denied. I understand there was a new rule in 1954 but on #36 that porch was built actually in 1954 and it is not my understanding why they could have it and we can't have it, so I think it was in about 1988 that porch was built on #36 and I am not trying to highlight them, that is my daughter, but we are just trying to understand why we got a denial and the other ones are there

Chairman Califano: Who denied you?

Mr. Kornichuk: The building department told us we could not get it, after we pulled all the shrubs out and found out they denied us.

Chairman Califano: Because of the variance distance from the street and side yard.

Comm. Ekstrom: In the picture above, is that where the original stairs stopped? Is that where the new stairs are going to start?

Mr. Kornichuk: It is like 10 tenths, I need to move up.

Comm. Ekstrom: I am just thinking to myself that if you are going to build back to the stone wall, the stone wall is still visible, then when the stairs come out...

Mr. Kornichuk: The porch will be like 10" past the landing that is there right now, it is like 5'2", 5'3".

Chairman Califano: So the porch will be over the stones?

Mr. Kornichuk: The porch will extend, like I said, you will still see the stone wall, the object is I do not want to hide the stone wall, but everything will be encased in the wall, the 4x4's that the contractor uses for support.

Comm. Bechter: Also, the step going into the door, is the floor going to be even with the threshold?

Mr. Kornichuk: I believe it is going to be 6-1/2" below the threshold.

Chairman Califano: Could you possibly put the stairs on the side above the porch so the steps, the steps are going to come out obviously further from the porch itself and if you put the steps to the left, obviously you would not want it to the right because the door on the left here is facing the house. If you put the stairs on the left, that would cut back on the variance.

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Mr. Kornichuk: You are talking into the driveway?

Chairman Califano: I guess, yeah, right. Is the driveway that close?

Mr. Kornichuk: The driveway, as you can see in the picture, the driveway is right up to the wall.

Chairman Califano: So the porch is going to go right to the end of the house, on the left hand side?

Comm. Bechter: When you said the porch is going to stay within the boundaries of that stone wall...

Mr. Kornichuk: The porch itself will be like 10" past the landing, that would give me my 6', right now, like I said, it is 5'3".

Chairman Califano: But it will still be over the wall, the porch will be over the wall and it still is going to be here.

Mr. Kornichuk: It is going beyond the wall.

Comm. Pane: The stairs is the only thing that is going to be coming out and the stairs are going to cut into that current pathway right now.

Comm. Igielski: About 10" or so.

Comm. Bechter: 10" more than where it currently is.

Comm. Ekstrom: So you are not going to have that extra piece going to the driveway, pretty much the stairs are going to end right where...

Mr. Kornichuk: ...I am going to have to pull part of that out because it is only polymer, I am going to have to remove some of that sidewalk out.

Comm. Igielski: The stairs will extend about 19" only because you have to do the rise of the stairs which I think is 8".

Mr. Kornichuk: Now I think the new code I read is 8" but 8" is an awful big rise; I would TRY to talk to the guy, if I get approved, that is going to build it, I would want him to stay at 6-1/2".

Chairman Califano: There is going to be a cover over the porch?

Mr. Kornichuk: Yes.

Chairman Califano: Any other questions from the commissioners?:
Okay, Peter. Thank you.

Mr. Kornichuk: Thank you.

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Chairman Califano: Can I have a motion to close the public session.

Comm. Bechter: So moved.

Comm. Pane: Second.

Chairman Califano: All in favor. Aye unanimously.

III. WORK SESSION

Comm. Igielski: A. PETITION 00-16-08 Ken Potter 190 Cambria Ave requests a variance of 35ft from the required 35ft of Newington Zoning Regulations Section 4.5.

Comm. Pane I don't see an issue with this, at all, in fact, it is something he has to have and it seems like the steps that are existing now are not intruding and I do not see any issues with this at all.

Comm. Bechter: I agree, and I make a motion that we approve the request.

Comm. Ekstrom: Second.

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

Comm. Igielski: Mr. Chair, when I drove by the house, I noticed that the other homes had the same setup.

Chairman Califano: It is an old section where the regulations were made 70-80 years ago, a heck of a lot different than they are now, so in some instances you have to go along with the ruling because of the fact that the house is so old and so many years ago they did not have ordinances at that time and the insurance companies were not as demanding as they are now. Okay, read the next petition please.

Comm. Igielski: PETITION 00-16-08 and PETITION 00-16-09 Peter and Colleen Kornichuk of 42 Broadview Street are requesting a variance of 17'6" of the required 35ft of Newington Zoning Regulations of Section 4.5. and also 7'6" from the required 10ft of Newington Zoning Regulations Section 4.5.

Chairman Califano: The hardship is actually because of the way the land is located and where it is considerably in the back and there have not been any complaints from the neighbors so they are all for it. The question is can we allow this at this time, and they are only looking for is actually a small part of it and build it the way they are talking about.

Comm. Igielski: Is it a true hardship.

Comm. Pane: Yes, the stairs, 100%.

Chairman Califano: Yes, you are right, the steps are unsafe, and I believe the husband has a bad leg, and he has a brace on it and they are also have daycare which I guess the kids have kind of tripped going up these stairs, and so on and one of the hardships is the way the land is, so can we get a motion.

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Comm. Bechter: I make a motion to approve it because the request seems totally reasonable based on the hardship they are working on.

Chairman Califano: Can I get a second on that.

Comm. Igielski: I will second it.

Chairman Califano: All in favor. Aye unanimously. The PETITION IS GRANTED.

Comm. Igielski: The petition is granted, but, they have to go by the code.

Chairman Califano: They have to go by the code, exactly, yeah. I am sure the building department will be checking that on a daily basis or something like that and they have to get a building permit also. Very good. Motion to close the work session.

Comm. Bechter: I make a motion.

Comm. Igielski: Second.

Chairman Califano: All in favor. Aye unanimously.

V. MINUTES OF PREVIOUS MEETING July 7, 2016

Chairman Califano: Sophie did a good job as usual.

Comm. Bechter: There are too many "r's" in my name.

Chairman Califano: Sophie will take care of that (Secretary apologises to Comm. BECHTER)

VI. COMMUNICATIONS AND REPORTS

Chairman Califano: Communications and reports, Mike, anything?

Mr. D'Amato: The only thing I will mention is that we have our new fees in place and it was passed August 1, 2016. I asked for \$360.00, they gave me \$320.00.

Chairman Califano: Still we are going to be losing money in the long run.

Mr. D'Amato: If we do not have a cancellation or snow or anything, we probably will cover our costs.

Comm. Pane: Did we approve the minutes?

Chairman Califano: Oh, I'm sorry. A motion to approve the previous minutes.

Comm. Pane. I make a motion to approve the minutes.

Comm. Ekstrom: Second.

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Chairman Califano: All in favor: Aye unanimously.
The minutes are accepted. Comm. Igielski abstained due to absence.

VII. NEW BUSINESS

None.

VIII. OLD BUSINESS

Chairman Califano: Do you know what we should do at every meeting, and I seem to be asking somebody to be reading the roll call and petitions etc., can we have somebody volunteer to be secretary at this time.

Comm. Igielski: If that is all I have to do, I will volunteer.

Chairman Califano: It is not an overwhelming job.

Mr. D'Amato: I think you should do it as a motion and a vote.

Comm. Igielski: Can I do that as an alternate?

Chairman Califano: That is a good question. Probably not.

Comm. Ekstrom: I will do it.

Chairman Califano: Can I have a nomination from the board for Audra Ekstrom to be secretary of the ZBA meetings.

Comm. Igielski: So moved

Comm. Bechter: Second.

Chairman Califano: All in favor? Aye unanimously.

IX. ADJOURNMENT

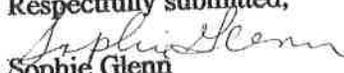
Chairman Califano: Motion to adjourn.

Comm. Ekstrom: Motion to adjourn.

Comm. Bechter: Second.

Chairman Califano: All in favor. Aye unanimously. The meeting adjourned at 7:30 P.M.

Respectfully submitted,


Sophie Glenn
Recording Secretary