

TOWN OF NEWINGTON  
ZONING BOARD OF APPEALS  
CONFERENCE ROOM L101  
131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111  
AUGUST 6, 2015

I. ROLL CALL

Comm. Igielski: Louis Califano

Chairman Califano: Present

Comm. Igielski: Paul Plavcan

Chairman Califano: Absent

Comm. Igielski: Daniel Quattromani

Chairman Califano: Excused.

Comm. Igielski: John Richter

Comm. Richter: Here.

Comm. Igielski: Audra Ekstrom

Chairman Califano: Excused

Comm. Igielski: Here

Comm. Igielski: Comm. Tangier

Comm. Tangier: Here

Also present:

Michael D'Amato  
Zoning Enforcement Officer  
and Assistant Town Planner

Chairman Califano Before we begin the meeting, there are two sections to the meeting. The first one is the actual petition being heard by the board and we will ask the petitioner to come up to the rostrum and state his name and address, also what he is looking for on his petition and also his hardship. After that we will ask anyone from the public if they would like to make a statement, which we have no one here so Judy, would you act as secretary, please.

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Chairman Califano: There are only four commissioners this evening, normally there's five - when it comes time to vote on the petition, all four votes will have to be either against or for - normally it is four out of five, but only having four, you will need all four of the commissioners to vote either for or against this petition. If you would like to cancel it and have it next month when we possibly would have five commissioners, it is your choice. Would you please read the petition.

Comm. Igielski: A. Petition 00-15-04 Manny Barreira of 51 Wilson Avenue is seeking a variance of 15' from the required 35' of the Newington Code Section 4.5 concerning front yard setbacks in the R12 Zone. 51 Wilson Avenue is located on the South side of the street approximately 400 ft. south of Centerwood Road.

Chairman Califano: Thank you. Would the petitioner please step up to the podium. Please state your name and address.

Mr. Barreira: My name is Manny Barreira of 51 Wilson Avenue and I am here for a variance. What I am trying to do here, I am trying to build steps facing the driveway, now it is facing the opposite side. I have a picture of it. I would rather have the steps facing this way. All I need is probably 6' to build, want to make steps facing the driveway. My right of way is kind of odd, out of the whole Wilson Avenue it seems like the only house that has 25 feet I think, and I would like to know what is that. It probably doesn't matter, I would just like to have those 6' for those steps and that is all I want and actually I would try to make it look better for the house, you know, for the middle of it, for us, too, it's my home.

Chairman Califano: So that brick wall that's there, you're going to tear that all down?

Mr. Barreira: Yes. What I want to do is tear that down, exactly..

Chairman Califano: It seems like an awful lot of work.

Mr. Barreira: Yeah. you know it's probably not going to be because there's a step facing the other side and when I am going to do it I am just going to put a wall right at the end of the steps and fill that up so I get a little divider of...

Comm. Richter: ...so it is going to be bigger than 8 feet then because I measured from the drain pipe or where the wall starts there over to the end now where the step wasn't there, I measured that and it is a little under seven feet, and you have eight feet here for the deck itself so you are going to be needing more than that, like nine feet or ten feet, you are going to fill in where the steps are, you are not going to tear the steps out, right.

Mr. Barreira: Yes, exactly, to make it easier for anybody ..

Chairman Califano: So you are going to have two sets of steps.

Comm. Richter: No, no, no. He is going to fill that in.

Chairman Califano: Oh, he is going to fill that in.

Mr. Barreira: I am going to fill that in, and make steps to the front.

Chairman Califano: Where the wall is? So what is he going to build up and make a cement along the landing.

Mr. Barreira: Yes.

Comm. Tangier: I'm not seeing a right of way.

Michael D'Amato

ZBA Administrator: Let me just explain to you, I was trying to run the GIS, but I cannot get it up, so the right of way is here, this is where his property line begins. This is the 35 foot building line. You can't build anything in front of this line. So what happens is, and I can show you, and this is very confusing, so this is obviously a Google aerial - the right of way in this spot comes from here and it goes like this. It comes on an angle. It is not even straight, on his yard only. The whole subdivision 50 years ago...

Commissioner Richter: ...that many years ago - it's all screwed up.

Comm. Tangier: And while we are at it, why is Cambria Street one lane with a stop sign in each direction and there are no markings indicating that it is one way.

Michael D'Amato

ZBA Administrator: Those are all the questions I don't know the answers to, but, as far as this is concerned, this is a 1912 subdivision, so the right of way does not continue into his neighbor, it is just his yard, so even though it looks like he has a lot of room there, most of his front yard is right of way.

Comm. Richter: I have a question. Who does the plowing of the driveway?

Michael D'Amato

ZBA Administrator: You would have to ask him, I'm sure it's him.

Comm. Richter: Who does the cutting of the lawn?

Mr. Barreira: My wife told me, just ask them if they all say no, tell them to cut the grass, half of my yard is not mine, I just found out two weeks ago.

Chairman Califano: It actually belongs to the town, Mike?

Michael D'Amato

Zoning Enforcement Officer: It is just part of the right of way, so whether the road was initially supposed to go a different direction or they were thinking of having a cul de sac for one reason or another..

Chairman Califano: ....that was 50-70 years ago.

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Comm. Richter: I measured exactly from the street to the front of his house, 56 feet, exactly and I am saying to myself, something is wrong here.

Michael D'Amato

Zoning Enforcement Officer: From the corner of his house to his property line there is only 25' so 31' of his front yard is all right of way, but it is just his lot. You can see it how it goes on an angle.

Comm. Richter: Yeah, I know, it's on paper and I can't see not giving him it. I personally think it is foolish that we are even here.

Comm. Tangier: What is the two foot space between the house and the stairs in your drawing, there is a two foot...

Comm. Richter: ...just to beautify it.

Mr. Barreira: Yeah, I believe that, I am not a good drawer, but I did the best I could.

Comm. Richter: I can understand that.  
Doing carpentry myself, I wouldn't want the sidewalk right out there.

Mr. Barreira: I want to put flowers in there and stuff..

Comm. Igielski: Not lawn, then you would have to mow it.

Mr. Barreira: Exactly.

Comm. Tangier: Two feet is awfully small for a shrubbery or anything, you need something bigger for that, you are going to need flowers.

Comm. Igielski: Can you put the picture of the house back up, if possible? So you are going to fill in the stairs and come around...

Comm. Richter: He is cutting that wall off.

Chairman Califano: He is cutting that wall off here and have the steps come right down here and he is going to extend the deck...

Comm. Igielski: ...so that it curves around - all he is cutting out is the wall, so there's less work.

Michael D'Amato

Zoning Enforcement Officer: Right now he is coming out of his door and he is going right.

Chairman Califano: He comes down and takes a right and then turns around, right, it's screwy.

Chairman Califano: Any other questions from the commissioners? Okay, we've got everything. Okay, have a seat if you like and we will get into our work session and see what we can do here.

### III. WORK SESSION

Chairman Califano: Make a motion to close the hearing.

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

Comm. Igielski: Second.

Chairman Califano: All in favor? Aye unanimously.

### III. WORK SESSION

Chairman Califano: We will open up the second part of the meeting, the work session. Comments from anybody on this petition on 51 Wilson Avenue seeking a 15' variance to change the location of the front steps of the house. Comments from the board?

Comm. Richter: I think that we should grant it. First off, I don't even think we should be here for that and the reason is from looking at the house and seeing that it is 56 feet from Wilson Avenue to the house and it is a blind thing because you don't know it, unless you see it on a plot plan, but I think, grant it, I have no qualms with that at all.

Michael D'Amato

ZBA Officer: I tried to figure out why this is the way that it is, and I can't come up with anything. I think if there were other properties that had these large right of ways then I think we might want to talk to someone in the Town about it, what there might be a reason for it, but it is one lot on the whole street.

Comm. Richter, Mike, there is another one off of Robins. we had the same situation a couple of years ago that they had the right of way, and we granted it - there is quite a bit of it around where there are right of ways - and why they are like that...

Chairman Califano: ....years and years ago, back before any of us might have even been around, the laws and rules and regulations weren't kept up to standards, there was only, 'put it here, put it there' and we run into that in a number of streets and locations in town. It is hard to justify in some instances why we could not okay a variance.

Michael D'Amato

Zoning Enforcement Officer: So the only thing that I can explain to you as far as how it might have ended up this way, is you can see here this line is the 25' building line. When the house was built, the front yard setback was 25 feet so they sandwiched that house in there just right so they could do what they needed to do within 25 feet, well, planning and zoning at some point changed it to 35' which is why the current line is back here, so the stoop may have been put that way because the old setback was 25' and they could not accommodate the stairs.

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Now, a lot of older homes are falling into this where the 35' building line runs right through the living room.

Comm. Igielski: So Wilson came before Cambria.

Michael D'Amato

Zoning Enforcement Officer: It could have, my guess is they may have come at the same time because the house is sitting right on the line there, but the 25' set back was common back then and they changed it because they wanted houses to be farther than the road so a lot of these older subdivisions...

Chairman Califano: ...Cambria, and Adrian and all those houses, they just threw them there, you had a lot, you built a house, you didn't get any variances.

Comm. Richter: I think he was right, their plan, like a cul-de-sac, they were going to have like a turnaround in there and I think that's the only thing I can think of.

Comm. Tangier: Isn't there a recourse for him to get that removed so that...

Michael D'Amato

Zoning Enforcement Officer: The only thing you could do was you would have to draw up a deed for the land and you would have to - and I use the word - purchase - you would have to purchase it from the town and that may be for a dollar, but you would have to come up with a legal, it would have to be just like you would purchase land anywhere else, you would have to get a surveyor to draw up a description of that parcel and then you would have to come to an agreement with the town to purchase the extra right of way that we don't ultimately need and the Town would have to determine that we do not need it.

Comm. Richter: I have one other question, what ramification is he going to have in selling the property if they come up with this right-of-way.

Michael D'Amato

Zoning Enforcement Officer: I mean, the right of way, means that the Town -you know, the right of way is here, so I mean, you still have use of the house and driveway, it is not going to impede on anything, theoretically, they could put improvements in this area which means they could put a sidewalk but they are not going to put it this far back, because it would not make any sense, so my guess is, if something were going to happen with that land, it would have happened 104 years ago when the subdivision was approved because, like I said, I tried to find your lot, this is the original subdivision map from 1912, so it shows - all of this whole area was done as home gardens, that was the name of the subdivision and every single one of these lots were done at once. I can't find his lot and I think maybe because it is in this area...

Comm. Tangier: ....it's right there, where that funny little diagonal thing is happening at the bottom, right there.

Comm. Richter: My question was, if Manny decides to sell the house, are they going to come up and say there's a difference there.

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ZEO Michael D'Amato: Some people have right of ways that are two feet into their property and some have right of ways that are thirty feet. If you go down the Berlin Turnpike, the right of way is pretty much knocking on Panera's front door. All that area, that is all right of way, so it does not affect anyone in any way, it is something that is static, there is nothing that is going to be happening there, but theoretically, the Town could choose to do something, but again, you just cannot see from this map, this was done - like I say, in 1912, so on December 24, 1912 - 793 lots was created out of 112 acres - obviously they've consolidated most of them into 800 houses there but you could see the scope so people weren't thinking too much about the odds and ends. There are a lot of old maps sitting around.

Comm. Richter: I make a motion that we vote a yea on the petition of Manny Barreira 00-15-04.

Comm. Igielski: Second.

Chairman Califano: All in favor. Aye unanimously.  
The petition has been GRANTED.

I make a motion that we close the work session of the meeting.

Comm. Richter: I second it.

Chairman Califano: All in favor. Unanimous "Aye".

V. MINUTES OF PREVIOUS MEETING

July 9, 2015

Comm. Igielski: I move that we accept the minutes of the previous meeting.

Comm. Richter: I second the motion.

The motion passed unanimously.

VI. COMMUNICATIONS AND REPORTS

None at this time.

VII. NEW BUSINESS

None.

VIII. OLD BUSINESS

Michael D'Amato: The only thing is the potential for the draft suggested motion, so I will have that for us at the next meeting to talk about, whenever we have another application. I have it drafted and just need to tweak it a little bit and I will use him as an example because it is something that is fresh in our minds and I will go through how we would go about a draft suggested motion and findings that were made so that we are a little more directed.

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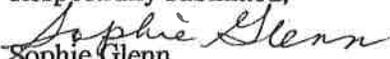
IX. ADJOURNMENT

Chairman Califano: Motion for adjournment.

Comm. Richter: I second it.

Chairman Califano: All in favor. Aye unanimously.

Respectfully submitted,

  
Sophie Glenn  
Recording Secretary