

Nancy E. Bates  
133 Maple Hollow Road  
New Hartford, Connecticut 06057

12 August 2020

New Hartford Zoning Board of Appeals  
New Hartford Town Hall  
530 Main Street  
New Hartford, Connecticut 06057

SUBJECT: 145 Maple Hollow Road – Special Exception To Increase Nonconforming Structure

I received an undated form letter from Matthew Sellitto/Applicant and Loreen D. Sellitto/Owner that was postmarked 3 August 2020, received on Friday afternoon, the 7th August 2020. This letter was regarding a request to increase their nonconforming structure at 145 Maple Hollow Road per 71.B of the Regulation and for an increase in floor area ratio from 14% to 14.5%. The letter was sent to all abutting neighbors and property owners of 145 Maple Hollow Road. The letter was not specific regarding which portion of the nonconforming structure was requesting an exception.

I subsequently called the Zoning Enforcement Officer, Michael Lucas, on the morning of August 10<sup>th</sup>, 2020, requesting additional information and to review the application in the Land Use Office. Mr. Lucas called me on the morning of August 11<sup>th</sup>, 2020 and I subsequently met with Mr. Lucas on August 11<sup>th</sup>, 2020 at 1pm to review the application and drawings. This letter documents my questions and concerns.

Unfortunately, I will be unable to attend the Zoom meeting on Wednesday, August 19<sup>th</sup>, at 7pm, as I will be in a remote location out of state without computer access or telephone connection or cell phone reception. To that end, I submit my written communication to the board and the Sellitto's and respectfully request my questions be answered.

I apologize for the length of this correspondence but given the history of past actions have led to the present situation, I wanted to share my concerns for the record. My specific questions and concerns related to the current special exception are in red font and background information related to the initial special exception is in blue font.

I am the Sellitto's abutting neighbor at 133 Maple Hollow Road, and I have owned and lived at this address since September, 1996. This is my primary and only residence. I have always respected my neighbors' property as well as their privacy. When past abutting neighbors have made special exception zoning requests, I have supported their requests, as long as set back distances and zoning regulations were maintained and my property lines were respected. I value our right as a citizen to make free choices about our property with regards to usage, style, taste and I try not to judge others, and only ask that I be respected in kind.

This current special exception request concerns me, as I question why this wasn't addressed before the garage and existing living space (the first special exception) was built? The back porch area was part of the original structure. Previous work, to include new hand rails were built during the extensive remodeling of the original structure. If there were concerns, why wasn't this addressed before extensive excavation and poured foundations were completed for the new structure and addition?

The 145 Maple Hollow Road property has been under excavation, building, rebuilding, painting, repainting, renovation, and landscaping for over 3 years. If the addition to the porch is approved, this will require additional excavation and foundation pouring, additional building, more landscaping and continue to extend the noise and traffic to the property.

The constant noise and traffic to the property is very frustrating as a neighbor. When the Sellitto's are in Florida, contractors still work on the property, sometimes 7 days a week. Most all of my neighbors, to include myself have had work performed on our properties over the decades. Some neighbors have cleared woodland and/or built a new home or addition or barn, and the work was performed in a matter of weeks or a few short months. The constant multiple year construction and renovations to the 145 Maple Hollow Road is not normal and it concerns me. Before one special exception has been completed, another is requested.

If the porch addition is approved, how will they access the area without disrupting the property lines, the river, their current well, their current storage shed, new septic system and without digging up the yard that has been recently reseeded?

The drawing does not show an exterior door for the enclosed porch. Can access only be gained from the inside?

If a door from the proposed porch exits onto the lawn, will there be additional landscaping for a patio?

Will the proposed porch be screened or glass?

How long will this project take, if approved, weather conditions permitting?

What is the "hardship" that justifies this additional special exception, particularly given there was a balcony added with a sitting area as part of the initial special exception? Why can't the porch be updated to code within the original foot print of the nonconforming structure?

Although the request for expanding the porch area is relatively modest, consideration of flooding and future storm liability needs to be considered, particularly if a patio is being planned. Since the Sellitto's have owned the property, we have not had any heavy rains. Twice over the past decade, during Hurricane Sandy and Irene, river water temporarily rose to reach the area of the Sellitto's present porch. Expanding the porch area closer to the river becomes a flood liability, which in turn would only result in more remediation activity.

There is no question that what the Sellitto's have chosen to renovate and build since their ownership is quality, and the craftsmanship is meticulous. My concern as their abutting neighbor is the constant state of building and what the property is becoming and when the building/renovation will be complete.

The structure is now nearly twice the size of the original dwelling, when including the garage, additional parking at the front, and the added living area. The original structure was nonconforming based on the small size of the lot and the dwelling placement with regards to the river, road and my property line. Landscaping has not been completed and based on the architect's drawings, there appears to be more work that may be conducted to the front entrance.

When will all construction, renovation and landscaping be complete for the property?

### **HISTORICAL BACKGROUND**

When Ms. Sellitto assumed ownership of the 145 Maple Hollow Road property, I tried to be a respectful but welcoming neighbor. I have been fortunate to receive photographs of my property from the previous owner and some of the photos included background images of the 145 Maple Hollow Road property. These photos were taken in the early 1940's and 1950's. I shared them with the Sellitto's.

In the summer of 2018, the Sellitto's invited me for dinner at their home, after they had completed extensive renovation of the original structure. At that dinner meeting, they shared with me, their desire to add an attached garage to the dwelling, so their cars would not be exposed to the elements or possible vandalism when they returned to Florida for the winter, where they also have a residence. They mentioned that during the winter of 2017-2018, they had paid to have their cars stored at another location in CT.

Through conversation with the previous owner of my property and with photographs, I explained to the Sellitto's that there had never been a garage on the 145 Maple Hollow Road property, but two out buildings did exist through the 1940's and early 1950's (an "outhouse" and a barn). The outhouse was eventually removed when plumbing was installed in the residence and the barn eventually collapsed and was carried away by the 1955 flood or otherwise removed from the property. An open porch previously existed on the front of the home, but it was in very poor condition, and was removed when Ms. Louise Hull eventually purchased the property.

The Sellitto request for a garage was certainly a reasonable request and I reviewed drawings that their architect had prepared at the time of my dinner meeting in the fall of 2018. The drawing I reviewed did NOT include a living space above the garage, or another stairwell leading to the additional living space, or a breezeway, or a balcony from the second level, or a master suite, or a 3<sup>rd</sup> bathroom or any French doors or exterior patio.

I subsequently received a letter through the mail regarding the Public hearing in the fall of 2018, and it was a general form letter, similar to the letter I just received regarding the 19 August 2020 meeting. I was working in Stratford at the time, and my work hours did not permit me to attend the public hearing, but prior to the public hearing, I called the zoning officer, Michael Lucas and verified that the request for special exception was for the garage, only, and no additions had been added to the request I had discussed with the Sellitto's. Mr. Lucas indicated that he was new to his position and he verified that my understanding of the special exception was correct.

I had periodic communication with the Sellitto's throughout the fall of 2018 and early winter of 2019 and recall taking over a bottle of eggnog from Arethusa Farms for Christmas, and the Sellitto's sending Thanksgiving and Christmas cards and a Christmas candle, before they returned to Florida for the winter. They offered to share their architect drawings at any time, but there was never any mention of any changes or additions to their request to build a garage, and I had no reason to believe any changes had been made.

I received an email from Ms. Sellitto, several months later, in early 2019, indicating that she was relieved the exception was approved and they could start work. It wasn't until the excavation and building began, early in 2019, that it became obvious that the structural addition was much more than a modest garage.

When I called Mr. Lucas and learned of the modifications to the initial request and subsequently read the meeting minutes of the multiple zoning board meetings, I was stunned.

While I understand that it is my responsibility to either attend the public hearings or insure I provide written correspondence, I trusted that what the Sellitto's had shared with me in the summer of 2018 had not changed, and I confirmed that with the conversation with Mr. Lucas, prior to the initial zoning board meeting in the fall of 2018. I was aware through Ms. Sellitto that a new septic system was required, but based on my knowledge of the home, this was not surprising. I am not retired and my work and business travel schedule often conflicts with early evening meetings. I performed my due diligence and trusted the process and my neighbors, and if significant changes were being made, (which obviously occurred) I would be notified. That never occurred.

I supported the garage but it was never explained to me the "hardship" that required the additional approval for the additional living space, a 3<sup>rd</sup> bedroom and 3<sup>rd</sup> bathroom, 2<sup>nd</sup> floor balcony, breezeway, and French doors to an outside patio. When the Davis family lived in the original home during the 1940's and beyond, at times there were 3 generations and up to 10 people living in the dwelling. After the house received plumbing, there were 2 bathrooms, one on each floor.

I fully respect a person's right to choose what they build and how they decorate or maintain their property, but given this additional living space required a special exception to an existing nonconforming structure, I want to state for the record that I was misguided. Had I known the building request had evolved from an attached garage to the current approved structure, I would have provided feedback. Thank you for your consideration.

Best Regards,

Nancy E. Bates  
Owner, 133 Maple Hollow Road  
New Hartford, Connecticut 06057

JEFFREY K. SIKES  
151 Maple Hollow Road  
New Hartford, Connecticut 06057

Town of New Hartford Zoning Board of Appeals

I am pleased to write this letter in support of the application submitted by Matthew Sclito for Special Exceptions at 145 Maple Hollow Rd in New Hartford, Connecticut. I am aware that this application requests "To increase non-conforming structure per 71. B of the regulations" and "for increase in the floor area ratio from 14% to 14.5%".

I am also the abutting property owner to 145 Maple Hollow Road for 40 years.

The recently completed improvements to 145 Maple Hollow Road have been outstanding with respect to Architectural Design that compliments the Historic Nature of Maple Hollow.

I would sincerely recommend that the two special exceptions requested be approved by the New Hartford Zoning Board of Appeals.



JEFFREY K. SIKES  
151 Maple Hollow Road  
New Hartford, Connecticut 06057

If the Board wishes to speak  
with me, I can be reached at 860.262.5412  
or JSIKES@ORLCOMMERCIAL.COM is  
my E-Mail address.

Thank you for your consideration.

Sincerely  
Jeffrey K. Sikes

