

**ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 21, 2015 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET
MINUTES**

PRESENT: Chairman Mary Lou Rayno, Paul Griffin, Lew Chappel, Scott Goff; Alternates John Wilhelm and Keith Schaufler.

ABSENT: Bert Brander, John Rouleau.

Chairman Mary Lou Rayno called the meeting to order at 7:00PM. The entire proceedings were recorded digitally and are available in the Town Hall. Ms. Rayno reported that Mr. Keith Schaufler would recuse himself from the Stephen Bartolotta application as his property abuts the subject property. Mr. John Wilhelm was seated for Mr. Bert Brander.

1. PUBLIC HEARINGS:

A. Stephen Bartolotta – Variance – Map 023 – Block 032 – Lot 022B – 455 Town Hill Road – To Construct a 26x24' Detached Garage.

Ms. Rayno read into the record the legal notice that was published in The Hartford Courant on October 9, 2015 and October 16, 2015. Receipt of confirmation of notices to abutting properties was confirmed.

Mr. Bartolotta appeared before the commission, explaining that he is seeking to construct a garage on the same side of the house that the existing driveway is located. He noted that he is not seeking to construct the garage any closer to the road than the home, a house that was built in 1780. He noted that he is seeking to locate the garage between the front of the house and as far back as possible without encroaching into the home's septic system. He described the location of the leaching fields, the tank, the pump, and the pipe. He explained that he is seeking to put the garage about ten feet further back from the road than the home is located. He noted that the garage is proposed to be detached so as to compliment the age of the home. He described his proposed location of the detached garage as most suitable as the back side of the home would not provide ingress into the home itself and the well is located on the far side of the home. Additionally, he explained that the driveway side of the home would allow for the least disruptive work to occur and would allow him to not have to cut into the street, Town Hill Road also known as Route 219.

Board members inquired about the back side of the house as a possibility for location. Mr. Bartolotta explained that ingress to the home does not exist in that location. Additionally, Mr. Bartolotta reported that a hundred year old English six foot high brick wall exists in the rear of the house about thirty (30') feet off the back of the home. Ms. Rayno inquired what the height for the proposed garage would be. Mr. Bartolotta explained that it would be one and a half stories, the same as the house and no higher than the house.

In response to an inquiry as to whether the proposed location is for aesthetic purposes, the applicant acknowledged that while there are other locations on the property that would be suitable, these would be so far from the house that it would not be reasonable to locate a garage at any of them. The applicant also was asked whether there was additional flat property to locate a garage. He confirmed there was another garage at the very back of the property which functions as a workshop currently but its proximity was too far away from the house. Questions followed regarding the septic system including the location of the reserve area as well as a pipe that crosses from the house to the pump tank.

Distances from boundary lines and the septic system were questioned and discussed.

In response to a question seeking clarity as to exactly what the hardship is, the applicant noted that one side of the house would result in it being too close to the well which would result in creating a new driveway out to Route 219 and the back side of the house would result in it being too far away in order to stay outside the area of the septic system. In response to a question posed by Mr. Goff regarding putting the garage to the rear of the house, Mr. Bartolotta noted that it would not be a hardship to locate the proposed garage in this spot but that he would not opt to construct one there due to the master bedroom being located in the rear of the house thus not providing a good spot to enter into the home. Mr. Chappel pointed out that the applicant would also need to drive over his septic pipe if the garage was located behind the home.

Mr. Denton Butler of 465 Town Hill Road spoke in favor of the application. Mr. Butler opined that the proposed location identified in the application would be the most ideal spot as it would avoid driving across the sewer pipe and would also avoid construction to the house to create an entrance. Additionally, Mr. Butler attested to the restoration work that Mr. Bartolotta has done to the house as aesthetically appealing and structurally sound. Mr. Butler also commented that he believes the proposed work to be a favorable disposition to the neighborhood.

Mr. Keith Schlauflier of 440 Town Hill Road spoke as a neighbor of the applicant and concurred with the points delineated by Mr. Butler.

MOTION: Mr. Griffin, Mr. Chappel second, **to close the public hearing in the matter of Stephen Bartolotta – Variance – Map 023 – Block 032 – Lot 022B – 455 Town Hill Road – To Construct a 26x24’ Detached Garage; unanimously approved.**

MOTION: Mr. Chappel, Mr. Griffin second, **to reopen the public hearing in the matter of Stephen Bartolotta – Variance – Map 023 – Block 032 – Lot 022B – 455 Town Hill Road – To Construct a 26x24’ Detached Garage; unanimously approved.**

Mr. George Behrendt of 449 Town Hill Road, spoke in favor of the application. He opined that the location proposed seems the most logical. Mr. Behrendt also attested to the quality of Mr. Bartolotta’s work.

MOTION: Mr. Chappel, Mr. Griffin second, **to close the public hearing in the matter of Stephen Bartolotta – Variance – Map 023 – Block 032 – Lot 022B – 455 Town Hill Road – To Construct a 26x24’ Detached Garage; unanimously approved.**

B. Wayne Horn – Special Exception – Map 009 – Block 035 – Lot 003, 308 Cedar Lane – For and Addition to an Existing Non-Conforming Structure Per Section 7.1.B.2.

This hearing was not opened.

2. PENDING APPLICATIONS:

A. Stephen Bartolotta – Variance – Map 023 – Block 032 – Lot 022B – 455 Town Hill Road – To Construct a 26x24’ Detached Garage.

MOTION: Mr. Chappel, Mr. Griffin second, **to approve a thirty (30’) foot front yard variance to construct a 26’ x 24’ detached garage, with no point any closer than seventy (70’) feet to Town Hill Road, with it being no taller than the existing house in the matter of Stephen Bartolotta – Variance – Map 023 – Block 032 – Lot 022B – 455 Town Hill Road – To Construct a 26x24’ Detached Garage due to the hardship of a well on the north side of the house and pushing it further west would most likely affect the septic system. Also, the board finds putting the garage in any other location on the parcel would be an undue hardship because it would impinge on property lines: Ms. Rayno, Mr. Griffin, Mr. Wilhelm voted aye with Mr. Goff and Mr. Chappel voting nay; Motion failed.**

After the motion but before the vote, the board deliberated over the hardship presented in this variance application.

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B. Wayne Horn – Special Exception – Map 009 – Block 035 – Lot 003, 308 Cedar Lane – For and Addition to an Existing Non-Conforming Structure Per Section 7.1.B.2.

No action taken.

3. APPROVAL OF MINUTES: September 16, 2015.

MOTION: Mr. Chappel, Mr. Griffin second, **to accept the September 16, 2015 Minutes; unanimously approved.**

4. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD:

None.

MOTION: Mr. Chappel, Mr. Griffin second, **to adjourn the meeting at 8:04PM, unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**