

**New Hartford Zoning Board of Appeals
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, November 16, 2016 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Mary Lou Rayno, Bert Brander, Scott Goff, Paul Griffin, Lew Chappel, Alternate John Wilhelm; Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: Alternates John Rouleau and Keith Schaufler.

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.

Noting that the Agenda for this meeting had not been posted on the Town's website, Ms. Rayno explained that the Agenda had to be accepted.

MOTION: Mr. Chappel, Mr. Brander second, to accept the agenda; unanimously approved.

1. PUBLIC HEARINGS:

A. Martin F. & Roberta R. Seifert – 704 West Hill Road – Expansion of a Non-Conforming Accessory Building, Build Screened Porch on Top of Boat House.

Ms. Rayno read the legal notice into the record, noting that it had been advertised the requisite two times. Proof of notice to abutting neighbors was submitted.

Tom Grimaldi, Project Engineer, of Hiltbrand Engineers appeared before the Board regarding this application. He provided elevation views for the Board's consideration of the proposed structure. Mr. Grimaldi then described the existing conditions of the property referring to a drawing depicting West Hill Road, West Hill Lake, the existing driveway to a small cottage halfway into the property, walkways down to the lake and then the subject boat house. Mr. Grimaldi noted that the assumed elevation at the road is 130' and at the lake is 82'. He noted that from westerly to the easterly edge of the boathouse is between 42' and 48' elevation change below the road. This was noteworthy because the proposed screened porch for the top of the boat house that is being replaced is well below the road and will have no possible obstruction to the neighbors on the opposite side of the road, according to Mr. Grimaldi.

Mr. Grimaldi reported that his client received approval from the Inland Wetlands Commission several months ago. He shared the existing conditions and the demolition plans. Mr. Grimaldi distributed copies of photographs of the subject site from the 1970s as well as photographs from August, 2016. Mr. Grimaldi noted that his clients are attempting to increase planting with non-invasive species along the lake, having the net effect of reducing the amount of useable area on the site by 60%. He noted that the current boathouse is in disarray and is in a dilapidated state. His clients would be looking to replace the non-conforming building exactly where it is, 131 feet off the road, 44' feet off one sideyard, and 4.8' feet off the lake. He noted that the Floor Area Ratio is at 11.3% and that by adding the second floor, would rise to 11.9%, or a .6% increase. Finally, Mr. Grimaldi submitted photographs from the Bernstein's property, a neighboring parcel to the east and then upslope, looking down at the lake.

Applicant Martin Seifert shared proposed renderings for the accessory building, a six post, post-and-beam structure. He noted that he and his wife are flexible with the design though. Ms.

Rayno questioned the difference between the height of the present boat house with the one that is being proposed. Mr. Seifert noted explained it is currently twelve feet and that they are seeking to add ten feet. Mr. Grimaldi noted that the total height from the lake side is 22.95 feet but from the road side is 14.25'. Mr. Goff questioned whether Mr. Grimaldi thought there would any view obstruction for the neighbors. Mr. Grimaldi indicated that there would not be.

In response to a question regarding the nature of the hardship, Mr. Seifert explained that about 60% of the lakefront is being converted back to natural vegetative plantings leaving a very small access to the water and noted that they would like to put a screened porch on top of the structure as it will have no environmental impact at all. Ms. Mulcahy reminded Mr. Seifert that part of the hardship that had been discussed was that at the time it was permitted and built in that location, and that the present state requires repair/replacement, and that the footprint is not being increased. She explained to the Board that the age of the structure is part of the building's hardship and that by going up, the height is still within the Regulations.

John Mendela of 711 West Hill Road noted his concerns with the view of the lake and the elevation of the proposed structure.

Elevations were discussed with Mr. Grimaldi. He noted that Mr. Mendela will be able to see over the top of the proposed structure. Mr. Grimaldi explained that Mr. Mendela will see the structure but will be able to see over the top of the structure.

MOTION: Mr. Brander, Mr. Chappel second, to close the public hearing in the matter of Martin F. & Roberta R. Seifert – 704 West Hill Road – Expansion of a Non-Conforming Accessory Building, Build Screened Porch on Top of Boat House; unanimously approved.

2. PENDING APPLICAIONS:

A. Martin F. & Roberta R. Seifert – 704 West Hill Road – Expansion of a Non-Conforming Accessory Building, Build Screened Porch on Top of Boat House.

MOTION: Mr. Chappel, Mr. Brander second, to grant the Variance in the matter of Martin F. & Roberta R. Seifert – 704 West Hill Road for a .6 percent increase in Floor Area Ratio and ten (10') feet of height to a pre-existing legal non-conforming building; No Vote occurred as the consensus of the Board was to continue the application to a Special Meeting scheduled for December 1, 2016, in order to seek and receive an opinion from the Board's legal counsel.

Discussion occurred after the motion was made regarding the nature of the hardship. It was agreed that Ms. Mulcahy would seek from the Board's attorney guidance on the consideration of the following: whether the age of the building and the fact that it was a permitted building at the time that it was built, topography of the building and/or use of the building would be appropriately deemed as legal hardship(s); and how the applicants giving up their lake frontage may be considered.

Ms. Rayno reminded the Board that this application should not be discussed with the applicants nor with one another.

3. NEW APPLICATIONS:

None.

4. APPROVAL OF MINUTES: September 21, 2016

MOTION: Mr. Brander, Mr. Chappel second, to approve the September 21, 2016 Minutes; unanimously approved.

5. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD:

The Board reviewed a proposed 2017 Regular Meeting Schedule with the following dates:

- January 18, 2017
- February 15, 2017
- March 15, 2017
- April 19, 2017
- May 17, 2017
- June 21, 2017
- July 19, 2017
- August 16, 2017
- September 20, 2017
- October 18, 2017
- November 15, 2017

MOTION: Mr. Goff, Mr. Chappel second, to approve the proposed 2017 Regular Meeting Schedule; unanimously approved.

MOTION: Mr. Brander, Mr. Chappel second, to **adjourn at 8:20PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**