

**New Hartford Zoning Board of Appeals
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, January 18, 2017 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Paul Griffin, Scott Goff, Paul Griffin, Lew Chappel, Alternate John Wilhelm;
Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: Mary Lou Rayno, Bert Brander, Alternates John Rouleau and Keith Schaufler.

Vice Chairman Paul Griffin called the meeting to order at 7:02PM. Mr. Wilhelm was seated for Mr. Brander. The entire proceedings were recorded digitally and are available in the Town Hall.

1. PUBLIC HEARINGS:

A. Roxanne L. Rudolph – Map 09A – Block 105 – Lots 27-32 – 9 Rickie Drive – Variance – Remove 12'x18' Deck and Replace with a 14'x20' Deck.

Mr. Griffin explained that while a quorum of the Board was present, a variance must receive four votes in order to be approved. Accordingly, he polled the applicant as to whether she would prefer to continue the public hearing to the next meeting for an opportunity for a meeting with five voting members or proceed at this meeting. Ms. Rudolph noted her preference to go forward at this meeting.

Ms. Mulcahy read the legal notice of the public hearing into the record, noting that it ran the requisite two times, January 6, 2017 and January 13, 2017 in the local newspaper. She also confirmed receipts of certificate of mailings to the abutting neighbors of the subject parcel, providing notice of the public hearing.

Daniel Brochu, accompanied by the applicant Roxanne Rudolph, appeared before the Board regarding this application. He explained that they are seeking to rebuild the existing deck located in the back of house. Mr. Brochu noted that there is a preexisting deck which predates the current setback requirements. He also noted that this deck will serve to provide a second exit from their home. The current deck is deteriorated and rotted and is approximately seven (7') feet high off the ground, according to Mr. Brochu. He also cited the very steep topography as an additional reason for the variance.

Mr. Wilhelm noted that he had seen the site and that there is a noticeable significant drop from the road. Ms. Mulcahy opined that this is an example of a definite geographic hardship due to the slope of the land. She noted that the applicant and Mr. Brochu plan to extend the deck across the length of the back of the home to provide for additional egress.

Discussion ensued regarding the stairs and whether they would meet the side yard setbacks.

MOTION: Mr. Chappel, Mr. Goff second, to close the public hearing in the matter of Roxanne L. Rudolph – Map 09A – Block 105 – Lots 27-32 – 9 Rickie Drive – Variance – Remove 12'x18' Deck and Replace with a 14'x20' Deck; unanimously approved.

B. Dennis J. & Nancy W. Gottfried – Map 04A - Block 112 – Lot 004_5 – 600 West Hill Road – Special Exception – 2nd Story Addition to a Non-Conforming Structure No Closer to any Property Line than any Portion of Existing Structure.

Ms. Mulcahy read the legal notice of the public hearing into the record, noting that it ran the requisite two times, January 6, 2017 and January 13, 2017 in the local newspaper. She also confirmed receipts of certified mailings to the abutting neighbors of the subject parcel, providing notice of the public hearing.

Ms. Mulcahy reported that the applicants had originally considered a complete teardown, as their own is located next to a lot with a very large home. She reported that this is a very old cottage for which they are proposing a second story. Ms. Mulcahy reported that the applicants have received a permit from the Inland Wetlands Commission. Ms. Mulcahy opined that the plan is very well done, and noted that the Board has been provided with an elevation plan, too.

Steve Trinkaus, PE, appeared before the Board and explained that the rearyard setback is about two-thirds into the house. He noted that the applicants are keeping the same footprint and are seeking to add two bedrooms to a new second floor. Layout of the home was discussed including the proposed uses for the existing downstairs bedrooms.

Mr. Goff questioned whether the town's engineer has reviewed these drawings. He noted his concern with a home that currently has a septic system designed for a two-bedroom home getting expanded and the possible additions of bedrooms. Ms. Mulcahy noted that Farmington Valley Health District has already approved these plans. Mr. Trinkaus noted provisions within the Building Code that would prevent the rooms, through their expanded doors and lack of closets, from being considered bedrooms. Mr. Goff questioned the testing that had been done on the existing septic system. Mr. Trinkaus assured the Board that the system is functioning well as a three season home and is adequate.

MOTION: Mr. Wilhelm, Mr. Chappel second, to close the public hearing in the matter of Dennis J. & Nancy W. Gottfried – Map 04A - Block 112 – Lot 004_5 – 600 West Hill Road – Special Exception – 2nd Story Addition to a Non-Conforming Structure No Closer to any Property Line than any Portion of Existing Structure; unanimously approved.

2. PENDING APPLICATIONS:

A. Roxanne L. Rudolph – Map 09A – Block 105 – Lots 27-32 – 9 Rickie Drive – Variance – Remove 12'x18' Deck and Replace with a 14'x20' Deck.

It was agreed that the request was a reasonable one in terms of the slopes of the land and the added egress the deck and stairs would provide.

MOTION: Mr. Wilhelm, Mr. Goff Second, to approve a 28' rear yard variance for a deck in the matter of Roxanne L. Rudolph – Map 09A – Block 105 – Lots 27-32 – 9 Rickie Drive – to remove 12'x18' deck and replace with a 14'x20' deck and stairway not to exceed the edge of structure; unanimously approved.

B. Dennis J. & Nancy W. Gottfried – Map 04A - Block 112 – Lot 004_5 – 600 West Hill Road – Special Exception – 2nd Story Addition to a Non-Conforming Structure No Closer to any Property Line than any Portion of Existing Structure.

Mr. Goff reiterated his concern with the existing bedrooms being reverted back to bedrooms at some point in the future. Ms. Mulcahy reported that the town's engineer reviews only items such as drainage but does not review septic systems. Additionally, she noted that she received a visit from Farmington Valley Health District who unequivocally informed her that they enforce

the health code and were upset with the language included in the West Hill Overlay District. She noted that the next step for this application is to bring it before the West Hill Overlay District. Ms. Mulcahy noted that the Farmington Valley Health District was very direct in advising that the Town boards may not project what might occur in the future with a dwelling.

MOTION: Mr. Chappel, Mr. Wilhelm second, to approve a Special Exception for Dennis J. & Nancy W. Gottfried – Map 04A - Block 112 – Lot 004_5 – 600 West Hill Road – Special Exception – 2nd Story Addition to a Non-Conforming Structure No Closer to any Property Line than any Portion of Existing Structure per Site development 8/25/16, final revision 10/29/2016 prepared by Trinkaus Engineering, LLC for Nancy Gottfried, 600 West Hill Road, New Hartford, Connecticut. Approval is granted based on dwelling not to exceed two bedrooms; unanimously approved.

3. NEW APPLICATIONS:

None.

4. APPROVAL OF MINUTES: November 16, 2016 & December 1, 2016 Special Meeting.

MOTION: Mr. Chappel, Mr. Goff second, to approve the November 16, 2016 Minutes; unanimously approved.

MOTION: Mr. Chappel, Mr. Goff second, to approve the December 1, 2016 Minutes; unanimously approved.

5. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD.

None.

MOTION: Mr. Goff, Mr. Chappel second, to adjourn at 8:02PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**