

**New Hartford Zoning Board of Appeals
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, May 17, 2017 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

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

ABSENT: Scott Goff, Alternates John Rouleau and Keith Schaufler.

Chairman Mary Lou Rayno called the meeting to order at 7:04PM. Mr. Wilhelm was seated for Mr. Goff. The entire proceedings were recorded digitally and are available in the Town Hall.

Mr. Wilhelm recused himself from the following application, noting that he has a familial relationship with the applicants. Ms. Rayno explained to the applicants that approval of the application still requires four affirmative votes and inquired whether the applicants would like the meeting continued. The applicants opted to go ahead with the public hearing.

1. PUBLIC HEARINGS:

A. John W. & Deborah Pierce – Map 017- Block 039 – Lot 27c - 298 Niles Road – Special Exception – Addition of a Second Story to Existing One Story Home.

The receipts for the certified mailings noticing the abutting neighbors of the Public Hearing were submitted. Ms. Rayno read the legal notice of the Public Hearing into the record, noting that it has been published in The Hartford Courant the requisite two times, May 5, 2017 and May 12, 2017.

B. John W. & Deborah Pierce – Map 017 – Block 039 – Lot 27c - 298 Niles Road – Special Exception – Floor Area Ratio Above 10% at Their Address.

The receipts for the certified mailings noticing the abutting neighbors of the Public Hearing were submitted. Ms. Rayno read the legal notice of the Public Hearing into the record, noting that it has been published in The Hartford Courant the requisite two times, May 5, 2017 and May 12, 2017.

John Pierce and Deborah Pierce, accompanied by their building contractor, Rick Berneike, addressed the Board regarding this application.

The figures used in calculating Floor Area Ratio were discussed and reviewed. Ms. Rayno noted that the gross area included was 8540 square feet when in reality it ought to have reflected 9388 square feet as it appears that the two garages were not included. Mr. Berneike indicated that these numbers originated from the Town Assessor's property cards, accessed through the town website. Ms. Rayno noted that the garages were shown on the back of those Assessor's cards. Additionally, Ms. Rayno noted that a 1986 survey, which had indicated the total lot size to be 48694 square feet, was used in determining the lot area. She explained that the lot size is actually comprised of 49140 square feet. Ms. Rayno explained that the 1986 survey submitted with the application only reflects one garage and does not reflect the garage to the back nor the shed. With those two structures counted, the existing coverage is 19.1% and with the 810 square foot addition, the Floor Area Ratio would be over the 20%, according to Ms. Rayno. It was explained that a Special Exception could not be granted for a Floor Area Ratio over 20% and that only a Variance could accomplish that.

Ms. Pierce questioned why the problem with the calculations was not brought up during the time she spent with Zoning Enforcement Officer Ruth Mulcahy. Ms. Rayno explained that the shed and garage were not included in at that point. Mr. Pierce noted that their home is zoned as a condominium and questioned whether that would make a difference because of that. Ms. Rayno confirmed, explaining that because it is zoned as a condominium consideration must be based upon all the buildings on that lot.

The applicants were advised to meet with Ms. Mulcahy to discuss what their options are. The applicants indicated that they were withdrawing their application.

2. PENDING APPLICATIONS:

None.

3. NEW APPLICATIONS:

None.

4. APPROVAL OF MINUTES: January 18, 2017 Regular Meeting.

MOTION: Mr. Chappel, Mr. Griffin second, to approve the January 18, 2017 Minutes; Motion passed with Mr. Chappel, Mr. Griffin, and Mr. Wilhelm voting aye while Ms. Rayno and Mr. Brander abstained.

5. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD.

None.

MOTION: Mr. Brander, Mr. Chappel second, to adjourn at 7:30PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Secretary