

**New Hartford Zoning Board of Appeals  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, July 18, 2018 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Chairman Mary Lou Rayno, Lew Chappel, Paul Griffin, Alternates John Wilhelm and Keith Schaufler; and Zoning Enforcement Officer Ruth Mulcahy.

**ABSENT:** Bert Brander, Scott Goff and Alternate John Rouleau.

Chairman Mary Lou Rayno called the meeting to order at 7:00PM.

Mr. Schaufler was seated for Mr. Brander and Mr. Wilhelm was seated for Mr. Goff.

**1. PUBLIC HEARINGS:**

**A. Applicant: James E. Steadman, Jr. & Kathleen B. Steadman Owner: James E. Steadman, Jr. & Kathleen B. Steadman Location: Map 022 – Block 016 – Lot 5-1 – 53 Carpenter Road Variance: Article 3 Section 3.4 Paragraph C. - Barn Within the Side Yard Setback. Area and Dimensional Requirements of Section 3.4F(1) – Accessory Structures.**

The legal notice was read into the record and was noted as having been published the requisite two times, July 6, 2018 and July 13, 2018 in The Hartford Courant. The proofs of notice to the abutting neighbors were noted as having been received.

James Steadman appeared before the Board, accompanied by his son, Jesse, regarding this application. Mr. Jesse Steadman referenced 24"x36" drawings relative to the variance request, including an aerial view of the farm itself. The linar image he used was pulled from the State of Connecticut website. He pointed out the location of the house and the driveway. Mr. Jesse Steadman also passed around copies of pictures of the property taken from different perspectives at the site. The Board reviewed a survey prepared by Dufour Surveying, LLC entitled, "Proposed Plan - Plan Improvement Location Survey prepared for Kathleen B. + James E. Steadman Assessors Lot 5-1 #53 Carpenter Road New Hartford, Connecticut dated 6-11-2018 Revised 7/12/2018 Add Topography as Requested by Z.B.A.".

Mr. Jesse Steadman noted the steep slope of the land. He explained why another area outside the setback was ruled out as a good location for the barn, noting it was deemed too wet to be a practical solution. Another location also ruled out was the adjoining lot. Noting that this adjoining lot was also owned by the applicants, a restriction imposed by his father's current mortgage holder precluded a merging before February of next year, according to Mr. Jesse Steadman. Mr. James Steadman explained the reason why the current parking area was ruled out as a viable alternative, explaining that he was trying to avoid people crossing near the traffic of the cars.

The hardship claimed was that the proposed location was the only flat area on the site not compromised by septic system.

In response to an inquiry about another possible location for the barn, Mr. Jesse Steadman explained that it was an area that is already being utilized for customers to bring their trees down from off the hill.

The hearing was open to the public. No comments were made.

**MOTION:** Mr. Griffin, Mr. Chappel second, to close the public hearing; unanimously approved.

**B. Applicant: Klaus Gorski Owner: Klaus J. & Carol J. Gorski Location: Map 023 – Block 034 – Lot 007 – 98 Bruning Road Variance: Article 3 Section 3.4 Paragraph C. – Front Yard Setback to build 3 car garage.**

The legal notice was read into the record and was noted as having been published the requisite two times, July 6, 2018 and July 13, 2018, in The Hartford Courant. The proofs of notice to the abutting neighbors were noted as having been received.

It was noted that the applicant was seeking a fifty (50') foot front yard setback variance.

Klaus Gorski, accompanied by Attorney Robert Sussdorff, appeared before the Board regarding this application. Mr. Gorski shared copies of a survey prepared by Post Land Surveying entitled, "Zoning Location Survey Prepared for Klaus J. & Carol J. Gorski Showing Property at 98 Bruning Road New Hartford, Connecticut Area=84,828 Sq. Ft. = 1.947 AC July 29, 2017".

Mr. Gorski reviewed the reasons why the proposed three-car garage cannot be located outside the setbacks. He noted that his leaching field is in his front yard and explained that there is a 19% grade drop in the back eliminating that as an option. Mr. Gorski explained that there are wetlands in the front of the home, too. He noted that his septic reserve area is to the rear of the property. Discussion ensued about a 20'x10' shed that is located in this area. Ms. Mulcahy noted that the shed in the area of the septic reserve is a brand new location. Mr. Gorski confirmed, noting that he had recently completed a zoning permit for that shed. He noted that this type of shed is one that is moveable.

Ms. Mulcahy reported that Mr. Gorski already has a two-car garage and indicated that the variance sought is for an additional three-car garage. Mr. Gorski clarified that the structure will be an accessory building with an undetermined number of bays. He noted that he may use it to store his lawn equipment.

Ms. Mulcahy questioned whether the tents over the cars were gone now. Mr. Gorski noted that there is a white canopy over his boat that keeps the sun off as he works to restore it. Ms. Mulcahy questioned what happened to the other two cars. Mr. Gorski noted that the tents are down that were on the foundation. Ms. Mulcahy questioned whether the foundation has been removed. Mr. Gorski indicated that it has not been removed, noting that it is just 6'x6' boards.

Mr. Griffin questioned whether the change in the application proposing a shed rather than a garage mattered as far as this board was concerned. Ms. Mulcahy noted that it did not and that the board need only consider the other accessory buildings at the site.

Ms. Mulcahy also noted that the area proposed for the building appears as if it to be in the yard of the abutting neighbor at 455 Stub Hollow Road. Ms. Rayno questioned the proposed height of the accessory building. Mr. Gorski noted the proposed height as fifteen (15') feet. He noted that the neighbor to which Ms. Mulcahy referred was in support of the application. Ms. Mulcahy cautioned the Board to not only consider the recommendations of the current owners of abutting properties but to also consider future owners, reminding them that properties transfer hands. Mr. Gorski noted that there is large hedgerow to hide the sight of part of the proposed building.

Michael Yabrosky of 455 Stub Hollow Road spoke in support of the application, noting that the other site, as recommended by Town Hall staff, nearer to the applicant's house would be thirty-five (35') feet off his own home and would be visible from every window in his home.

Ms. Rayno questioned why the proposed accessory building could not be located on the other side of the home, in the area where the other shed was just recently relocated. Mr. Gorski explained that it could not be located there because the area was reserved for a future septic system should one ever become necessary. In response to a question about the shed currently there now, he explained it was portable and if it became necessary, he would need to take it down.

Mr. Gorski provided Board members with wooden manipulatives in the shape of the proposed 20'x32' accessory structure as well as the 20'x10' shed. Board members were given the opportunity to move the wooden rectangles around the plans as Mr. Gorski challenged other possible locations for the proposed building.

It was noted that the area being referred to as the reserve area was not labeled as such on the site plan presented. Mr. Gorski presented another drawing regarding his septic as prepared by Robert S. Isabel, PE, entitled, "Klaus J. Gorski #98 Bruning Road New Hartford, Conn Sewage Disposal May 2, 1979".

Attorney Sussdorff explained to the Board that when his client developed his property and built his home back in 1979, the front yard setbacks at that time were fifty (50') feet. He explained that Mr. Gorski and his neighbor at that time planned their development so that they would not be viewing and looking into each other's property. Trees were planted and stone walls were built with this in mind. Ms. Mulcahy noted that property owners can cut their own trees. Mr. Gorski noted that these trees are used for making maple syrup and disagreed with having to cut trees. He noted that had he built this proposed building in 1998, he would not need a variance. Mr. Gorski reminded the Board that he is also hindered by the brook that runs through.

Ms. Mulcahy noted that she had researched the original subdivision and explained that all the houses were developed on the other side of the brook.

Mr. Gorski explained that even if he were to locate the proposed building in the area of the septic reserve area, it would then be very apparent from the backyard, and the area used for recreation, of his other neighbor, Emily Anyzeski at 441 Stub Hollow Road.

Ms. Anyzeski was present, and addressed the Board, in support of the proposal. She opined that the discussion of the Board should have been restricted to the hardships as presented rather than all of the possibilities of what can be cut down or what can be moved.

Attorney Sussdorff reported that letters of support have been received from the owners of 97 Bruning Road (Newell Atwood), 95 Bruning Road (Glenn Atwood), 465 Stub Hollow Road (William and Linda Martin), 22 Bruning Road (Georgie Mubaraek), 27 Bruning Road (Helen Mubarek), and 40 Bruning Road (Khoury Mubarek).

Ms. Mulcahy noted that the town attorney has previously advised in the past that factors to consider is whether the land owner already has a garage and already has a shed. Attorney Sussdorff noted that the applicant would be allowed the garage in terms of coverage. Ms. Mulcahy confirmed, noting that the proposal would be allowed if it met setbacks. Attorney Sussdorff noted that the at the time the lot was developed, the proposed location would have

met the setbacks existing at that time. Ms. Mulcahy confirmed. Attorney Sussdorff reminded the Board that Mr. Gorski had worked in conjunction with the adjoining neighbor with the planning and layout of the lot.

Attorney Sussdorff submitted photographs of the site, providing images showing the slope of the land and the maple trees still used to produce maple syrup.

In his concluding remarks, Mr. Gorski emphasized his aversion to constructing the proposed structure in the septic reserve area. Attorney Sussdorff reminded the Board the authority empowered to them via Connecticut General Statutes. He also reminded the Board that the proposal has been supported by the adjoining property owners as well as other neighbors.

**MOTION:** Mr. Griffin, Mr. Chappel second, to close the public hearing; unanimously approved.

## **2. PENDING APPLICATIONS:**

**A. Applicant: James E. Steadman, Jr. & Kathleen B. Steadman Owner: James E. Steadman, Jr. & Kathleen B. Steadman Location: Map 022 – Block 016 – Lot 5-1 – 53 Carpenter Road Variance: Article 3 Section 3.4 Paragraph C. - Barn Within the Side Yard Setback. Area and Dimensional Requirements of Section 3.4F(1) – Accessory Structures.**

**MOTION:** Mr. Chappel, Mr. Griffin second, to approve the Variance application in the matter of Applicant: James E. Steadman, Jr. & Kathleen B. Steadman Owner: James E. Steadman, Jr. & Kathleen B. Steadman Location: Map 022 – Block 016 – Lot 5-1 – 53 Carpenter Road Variance: Article 3 Section 3.4 Paragraph C. - Barn Within the Side Yard Setback. Area and Dimensional Requirements of Section 3.4F(1) – Accessory Structures; *Motion failed with Mr. Chappel, Mr. Griffin, Ms. Rayno, and Mr. Wilhelm opposed while Mr. Schaffler voted aye.*

Prior to the vote on the preceding motion, Mr. Chapel opined that the applicant had not proven a hardship which would require a variance to erect a barn outside of the building envelope. Mr. Griffin also noted that with the same owners also owning the adjoining parcel, a merger of the two properties would eliminate the need for a variance thereby allowing the structure to be built exactly as proposed. In contrast, Mr. Schaffler opined that the presence of the ledge outcrop provided a reasonable hardship for granting the variance request.

**B. Applicant: Klaus Gorski Owner: Klaus J. & Carol J. Gorski Location: Map 023 – Block 034 – Lot 007 – 98 Bruning Road Variance: Article 3 Section 3.4 Paragraph C. – Front Yard Setback to build 3 car garage.**

**MOTION:** Mr. Chappel, Mr. Griffin second, to approve the Variance application in the matter of Applicant: Klaus Gorski Owner: Klaus J. & Carol J. Gorski Location: Map 023 – Block 034 – Lot 007 – 98 Bruning Road Variance: Article 3 Section 3.4 Paragraph C. – Front Yard Setback to build a 32'x20' accessory structure within the fifty (50') foot setback; *Motion failed with Mr. Chappel, Mr. Griffin, Ms. Rayno, Mr. Wilhelm, and Mr. Schaffler opposed.*

Prior to the vote on the preceding motion, Mr. Griffin opined that the applicant had failed to prove an undue hardship and had not proven that his proposed accessory structure could not be located someplace else on his site. Mr. Schaffler noted that there had not been any proof from Farmington Valley Health District that the area up behind the applicant's house is restricted as a designated reserve area. Mr. Chappel agreed.

**3. NEW APPLICATIONS:**

None.

**4. OTHER MATTERS:**

**A. Review “Bylaws”.**

No business discussed.

**5. APPROVAL OF MINUTES:**

**MOTION:** Mr. Chappel, Mr. Griffin second, to approve the May 16, 2018 Minutes; unanimously approved.

**MOTION:** Mr. Griffin, Mr. Wilhelm second, to approve the June 20, 2018 Minutes; unanimously approved.

**5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

No other business discussed.

**MOTION:** Mr. Chappel, Mr. Griffin second, to adjourn at 8:48PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**