

**New Hartford Zoning Board of Appeals  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Monday, January 16, 2019 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, Scott Goff, Alternates John Wilhelm and Keith Schaufler; and Zoning Enforcement Officer Mike Lucas and consulting Zoning Enforcement Officer Rista Malanca.

**ABSENT:** Alternate John Rouleau.

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

Prior to the public hearing, Mr. Brander and Mr. Chappel indicated that they had both reviewed the record from the last meeting.

**1. PUBLIC HEARINGS:**

**A. Loreen D. Sellitto - Map 015 - Block 028 - Lot 019 - 145 Maple Hollow Road - Special Exceptions – 1.) To Increase Non-Conforming Structure per 7.1B of the Regulations and 2.) For a Floor Area Ratio of .14.**

Matthew Sellitto appeared before the Board regarding this application, accompanied by his licensed Land Surveyor Carmen Matrascia of Dufour Surveying, LLC. Ms. Rayno reminded the group that they had requested elevation drawings at the last meeting as well as additional information from Farmington Valley Health District (FVHD).

Mr. Sellitto presented with renderings of the proposed addition, noting that it may look like a barn when finished so it gives the illusion of having been there for a while. Regarding his septic system, Mr. Sellitto indicated that he plans to replace the septic tank and move it over. Ms. Rayno questioned whether he intends to obtain engineered plans as that would be necessary. Mr. Sellitto confirmed. Mr. Brander questioned whether that was left to FVHD. Mr. Goff explained that the forms from FVHD presented at the last meeting created confusion.

Ms. Rayno questioned whether there is now additional more Floor Area Ratio than originally requested as the renderings depict a breezeway. Mr. Matrascia indicated that the tables have been revised.

Mr. Goff questioned the proposed height of the addition. Mr. Sellitto indicated it would not be higher than the home. He noted that he may change the position of the house as his neighbor across the road thought it might look better.

Mr. Goff noted that there are contradictions with the septic approval from FVHD and that the precise location of the leaching fields is still unknown. He requested that a professional engineer review the site and render an opinion that the system is adequate for the proposed use. Mr. Goff requested that a PE sign off on the proposal due to the home's proximity to the nearby river, explaining that the leaching field is in a flood zone. He referred to three versions of the permit that was received from FVHD, explaining that the final letter from the sanitarian indicated that the applicants "...have a code compliant septic area on the property. I have determined based on neighboring soils, that a three-bedroom code compliant septic system does exist on the property..." Mr. Goff indicated that if one does exist, it ought to be reflected

on the site plan. He explained that the finding directly contradicts with Article IX of FVHD Regulations relative to sub-surface septic systems which prohibit any type of modification to systems unless there is testing of soils and site evaluation on the property. Mr. Goff objected to a determination being made on the basis of neighboring soils. Mr. Brander disagreed with reviewing any findings by FVHD, indicating that if they are satisfied, it is outside the scope of this Board. Discussion ensued.

Reference was made to an advisory communication from the Board's legal counsel, Mark Branse, regarding this application.

Ms. Malanca cautioned the Board that they cannot regulate the septic system in terms of ordering the homeowner to repair or replace. However, she noted that if the Board has concerns that the septic system is going to leach into the river, it is appropriate to address this as part of environmental concerns.

Mr. Sellitto questioned whether the added living space could be completed with the house remaining a two-bedroom dwelling. More discussion ensued regarding whether a PE is able to review the system due to the time of the year. Mr. Mastrascia indicated that once snow is on the ground, perc testing cannot be done. The Commission weighted whether a contractor who has significant experience in septic system installation could camera this property and provide his findings.

It was agreed that the applicant should have the system located, inspected, and certified that it is okay for the proposed use. It was the consensus of the Board that a certified septic installer could provide this information.

The Board recessed at 7:58PM and reconvened at 8:04PM.

Mr. Sellitto requested an extension of the public hearing. The Board agreed.

**B. Mark & Christine Snieckus – Map 04A – Block 112 – Lot 009 – 606 West Hill Road – Special Exceptions 1. Special Exception per 7.1.B.2, Main Level and Attic Volume Addition Within the Required Setback No Closer to Any Property Line Than Any Portion of the Existing Structure. 2. Special Exception per 7.1.C.2, Increase in Floor Area Ratio From 0.12 to Maximum of 0.16.**

The legal notice was read into the record and was noted as having been published the requisite two times, January 4, 2019 and January 11, 2019 in The Hartford Courant. The proof of notice to the abutting neighbors was noted as having been received.

Mark Snieckus, accompanied by his wife Christina Snieckus, appeared before the Board regarding this application. Mr. Snieckus presented the group with renderings of his proposed improvements. He explained that they recently purchased the home in May of 2018, are planning to renovate and expand it, and then move into it as their permanent home. Mr. Snieckus noted that he has gained approvals from both FVHD and the Inland Wetlands Commission.

The drawings were reviewed and explained by Mr. Snieckus. He noted that an attached 22'x24' garage is proposed as well as a porch over the existing deck. Mr. Snieckus explained that they intend to replace the spiral staircase with either a new spiral staircase or a straight staircase.

Mr. Goff questioned whether the existing garage will also remain. Mr. Snieckus confirmed.

The hearing was open to the public.

Clint Gilbert of 596 West Hill Road spoke in favor of the application, opining that the applicants will be good stewards of the lake.

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

**2. PENDING APPLICATIONS:**

**A. Loreen D. Sellitto – Map 015 – Block 028 – Lot 019 – 145 Maple Hollow Road – Special Exceptions – 1. To Increase Non-Conforming Structure per 7.1 B of the Regulations 2. For a Floor Area Ratio of .14. (cont.)**

As the public hearing was extended, no business was discussed.

**B. Mark & Christine Snieckus – Map 04A – Block 112 – Lot 009 – 606 West Hill Road – Special Exceptions 1. Special Exception per 7.1.B.2, Main Level and Attic Volume Addition Within the Required Setback No Closer to Any Property Line Than Any Portion of the Existing Structure. 2. Special Exception per 7.1.C.2, Increase in Floor Area Ratio From 0.12 to Maximum of 0.16.**

**MOTION:** Mr. Goff, Mr. Griffin second, to approve the application as presented; unanimously approved.

**3. NEW APPLICATIONS:**

None.

**4. OTHER MATTERS:**

The legal matter regarding the Klaus Gorski property was discussed. Ms. Rayno reported that there was a hearing on January 10, 2019 wherein the judge indicated to the plaintiff that he could either proceed with his civil action or could return to this Board for another review of his application. Ms. Malanca noted that Mr. Gorski had been in to visit her and that he relayed that his hardship is the setbacks, explaining that they were less at the time that he built his house. Ms. Malanca reported that she had explained that setbacks are subject to change.

**5. APPROVAL OF MINUTES – December 10, 2018:**

The December 10, 2018 Minutes should be corrected to reflect that Mr. Chappel was not present for the meeting.

**MOTION:** Mr. Goff, Mr. Griffin second, to approve the December 10, 2018 Minutes; unanimously approved.

**MOTION:** Mr. Brander, Mr. Griffin second, to adjourn at 8:45PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**