

**New Hartford Zoning Board of Appeals
TOWN OF NEW HARTFORD, CONNECTICUT
SPECIAL MEETING MINUTES
Wednesday, July 5, 2017 at 6:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

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

ABSENT: Alternate John Rouleau.

Chairman Mary Lou Rayno called the meeting to order at 6:05PM. The entire proceedings were recorded digitally and are available in the Town Hall.

1. PUBLIC HEARINGS:

A. Peter Fiore/Applicant – Ten Realty LLC/Owner – Map 37A – Block 122 – Lot 003 - 519 Main Street – Variance – Two Setback Variances, Front and Rear.

Ms. Rayno read the legal notice of the Public Hearing into the record, noting that it has been published in the Republican-American the requisite two times, June 26, 2017 and June 30, 2017.

Peter Fiore appeared before the Board regarding this application. It was noted that Mr. Fiore was seeking two variances, as the front yard setback at this location is twenty (20') feet. It was noted that the deck that was being proposed would be no closer to the road than the existing building. It was also noted that the odd shape of the property is what presents a hardship for this property. Mr. Fiore explained that he is proposing a twenty (20') foot by twenty-eight (28') foot deck to replace the railroad ties and gravel that currently exists. Ms. Rayno remarked on the steep slope that exists there presently. Mr. Brander questioned whether pavers would be used. Mr. Fiore explained that the plans include a concrete slab on grade with Trex® decking. Mr. Brander questioned whether there will only be a railing near the edge. Mr. Goff estimated the height to be approximately ten and one-half (10½') feet high. Ms. Rayno questioned whether access to the area would be gained through the rear of the parcel, near the library parking lot. Mr. Goff questioned the number of tenants in the building. Mr. Fiore indicated that there are five units.

Paul Cryan, Vice President of the Licia and Mason Beekley Community Library Board of Directors, explained that the Library has a long history of cooperation with Pizza Pete's and has no problem with the application.

Dan Charest of 46 High Street, owner of the adjacent property located at 2 Central Avenue shared his concerns with setbacks, visuals, and noise from the proposal. Mr. Charest shared concerns with use of alcohol beverages outdoors as well as music and odor. He also noted that signage and lighting are concerns.

MOTION: Mr. Brander, Mr. Chappel second, to close the public hearing in the matter of Peter Fiore/Applicant – Ten Realty LLC/Owner – Map 37A – Block 122 – Lot 003 - 519 Main Street – Variance – Two Setback Variances, Front and Rear; unanimously approved.

2. PENDING APPLICATIONS:

A. Peter Fiore/Applicant – Ten Realty LLC/Owner – Map 37A – Block 122 – Lot 003 - 519 Main Street – Variance – Two Setback Variances, Front and Rear.

MOTION: Mr. Brander, Mr. Chappel second, to approve the front and rear setback variances to reduce the front setback to 7.4 and the rear setback to 5.2 feet for a 20'x28' deck as shown on map dated May 31, 2017; Motion passed with Mr. Brander, Mr. Chappel, Mr. Griffin, and Ms. Rayno voting aye while Mr. Goff was opposed.

Prior to the vote on the preceding motion, discussion occurred. Mr. Brander had explained that he was supporting the variance because of the topography of the land and the odd shape of the property. Mr. Griffin agreed, noting the uniqueness of the parcel. Mr. Goff disagreed, explaining that the property doesn't conform to the Zoning Regulations, noting that the building has five dwelling units and a business with only four designated parking spaces. He opined that approving this variance results in the property becoming more non-conforming. Mr. Brander noted that the building is an old one that has been there and that parking has not proven to be a huge issue. Mr. Griffin reiterated that he has focused on the odd shape of the lot in his consideration.

3. NEW APPLICATIONS:

Ms. Rayno reported that the Board will be considering three applications at the regular July meeting.

4. APPROVAL OF MINUTES: June 21, 2017 Regular Meeting.

Approval of the June 21, 2017 Regular Meeting Minutes was tabled.

5. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD.

None.

MOTION: Mr. Griffin, Mr. Chappel second, to **adjourn at 6:46PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**