ZONING BOARD OF APPEALS
Approved Minutes
June 23, 2015

Members Present: Marianne Byrne, Matt Buonaiuto
Alternate Members Present: Carl Montagno, Nazih Noujaim, George Havican
Members Absent: Dave Michaud, Chuck Witkowski, Samuel Blinstrubas

The meeting was called to order at 7:00 p.m. The meeting was recorded.

Chairman Byrne seated C. Montagno for S. Blinstrubus, N. Noujaim for C. Witkowski.

Correspondence: None

Clerical Bill: **Motion** by C. Montgano, seconded by M. Buonaiuto to pay the clerical bill. **Unanimous**.

Approval of Minutes: Motion by C. Montagno, seconded by M. Buonaiuto to approve the May 26, 2015 meeting minutes. **Unanimous.**

Chairman Byrne encouraged Board members to visit properties that have applications pending before the Board prior to the public hearings. At Chairman Byrne's request, T. DeLoia stated that she would speak to Mayor Chatfield to get authorization for Town Attorney Jennifer Yoxall to give a workshop to the Board as this has not been done in several years and there are a few new members.

The Board congratulated George Havican on receiving his "Length of Service" award recognizing that George has volunteered as a member of the Zoning Board of Appeals in excess of 12 years.

Old Business: None

New Business: None

Public Hearings:
Chairman Byrne read into record the "Notice of Public Hearings" as it appeared in the Republican-American newspaper on June 12 & 19, 2015.

7:10 p.m. Application 04-2015 of Vincent Jacovino, 21 Trotters Way - Application for a 15-foot variance of Section 4.9.2.1 to place an in-ground pool 5-feet from the rear property line. Vincent Jacovino, 21 Trotters Way appeared before the Board and provided the Clerk with the "proof of mailing" receipts notifying the abutting property owners of the public hearing on his application. Mr. Jacovino stated that the he is seeking a 15-foot rear setback variance to place an in-ground pool 5-feet from the rear property line. The Board reviewed Mr. Jacovino's site plan showing the proposed pool location. Mr. Jacovino stated that his septic system is on the left side of his house, there is a large existing patio off the rear of the house, and that there is a pond in the front of the house. Mr. Jacovino stated that his house needed to be set very far on his lot as the pond located in the front of his house serves as the retention pond for all of the stormwater drainage for Trotter's Way. Mr. Jacovino stated that the property behind his is Town of Prospect owned Open Space. Chairman Byrne asked for comments from the public. No comments from the public. The

Chairman read letters received from Mark DeBiase of 23 Trotters Way and Brian & Mary Christiano of 19 Trotters Way both encouraging the Board to approve the variance requested by Mr. Jacovino. After discussion and with no further comments, **Motion** by C. Montagno, seconded by M. Buoniauto to close the public hearing at 7:19 p.m. on Application 04-2015 of Vincent Jacovino, 21 Trotters Way for a 15-foot variance of Zoning Regulations Section 4.9.2.1 to place an in-ground pool 5-feet off the rear property line. **Unanimous.**

7:20 p.m. Application #05-2015 Jack Geary, acting on behalf of Arthur Tyrrell, 43 Highland Drive – Application for a 6-foot variance of Section 3.2.4.1 to place a front porch 44-feet from the front property line. Jack Geary, 65 Morris Road appeared and stated that he is seeking a 6-foot variance to place a covered front porch 44-feet off the front property line. Mr. Geary provided the "proof of mailing" receipts notifying the abutting property owners of the public hearing on this application. Mr. Geary stated that the home originally had a front stoop that had deteriorated over time. Mr. Geary reviewed a sketch of the proposed 8' x 20' covered front porch and stated that the proposed porch will have steps on the right side leading to the driveway. Mr. Geary stated that the cover of the porch would reduce snow and ice build up and allow the homeowners safer access to their driveway and garage. Mr. Geary stated that this porch would be similar to others in the neighborhood. Chairman Byrne asked for comments from the public. No comments from the public. After discussion, **Motion** by M. Buoniauto, seconded by C. Montagno to close the public hearing at 7:30 p.m. on Application 05-2015 of Jack Geary, 43 Highland Drive for a 6-foot variance of Zoning Regulations Section 3.2.4.1 Zoning Regulations to place a front porch 44-feet off the front property line. **Unanimous.**

Discussion on closed public hearings:

Application 04-2015 **Motion** by C. Montagno, seconded by M. Buoniauto to approve Application 04-2015 as presented. *Discussion*: N. Noujaim stated concern that the property is a conforming lot but stated that it does border Open Space land. M. Buoniauto stated that he feels that the retention pond has already limited the homeowner in the placement of his home. C. Montagno agreed and stated that he does not have a problem with the application. M. Byrne agreed with M. Buoniauto and N. Noujaim. Chairman Byrne called for a vote. In favor: **Unanimous.**

Application #05-2015 **Motion** by M. Buoniauto, seconded by N. Noujaim to approve Application #05-2015 as presented. *Discussion*: C. Montagno stated that he felt that the proposed front porch fits into the neighborhood. M. Buoniauto stated that the application is reasonable also agreeing that it goes with the neighborhood. N. Noujaim stated that he did not have an issue as the lot is already non-conforming. M. Byrne cited the safety factor of having the covered front porch and that the lot is already non-conforming. Chairman Byrne called for a vote. In favor: **Unanimous.**

Public Participation: None

Adjournment: Motion by N. Noujaim, seconded by C. Montagno to adjourn at 7:36 p.m. **Unanimous.**

Marianne Byrne
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Chairman
tld/clk

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Marianne C. Andersen
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