

ZONING BOARD OF APPEALS
UN-Approved Minutes
May 26, 2015

Members Present: Marianne Byrne, Samuel Blinstrubas, Matt Buonaiuto, Chuck Witkowski

Alternate Members Present: Carl Montagno

Members Absent: Dave Michaud, Nazih Noujaim, George Havican

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

Chairman Byrne seated C. Montagno for D. Michaud.

Correspondence: None

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

Approval of Minutes: Motion by C. Montagno, seconded by S. Blinstrubas to approve the April 28, 2015 meeting minutes. **Unanimous.**

New Business:

a. 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. Mr. Jacovino stated that the proposed location of the 16' x 30' in-ground pool was due to a retention pond in the front of his house and the septic and well locations in the back of the house. He stated that the rear of his property borders up to Town of Prospect Open Space. After discussion, **Motion** by C. Witkowski, seconded by C. Montagno to accept 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.** A public hearing was scheduled for Tuesday, June 23, 2015 at 7:10 p.m.

Public Hearings:

Chairman Byrne read into record the "Notice of Public Hearings" as it appeared in the Republican American on May 15 & 22, 2015.

a. 7:10 p.m. Application 01-2015 of Michael Capanna, 13 Radio Tower Road for a 16-foot sideyard setback variance of Regulations section 3.2.4.2 to place a detached garage 9-feet from the left sideline. Mr. Capanna was present and submitted the required *Certificates of Mailings* to the clerk. Mr. Capanna stated that he is seeking to construct a one-story, 2-car detached garage 9-feet away from the left sideline of his property. Chairman Byrne stated that the house already has two garages and asked Mr. Capanna what his hardship was. Mr. Capanna stated that the requested placement of the garage is due to the narrowness of the lot, the location of the septic system, and the inability to make a 90-degree turn around the left side of the house. Mr. Capanna stated that the garage would have a 10' door and that he would use the garage to house vehicles and hoped to put a lift in sometime in the future so he may work on his own vehicles. C. Montagno stated concern about commercial equipment being stored in the garage. Mr. Capanna stated that he would not store any commercial equipment in the garage. Chairman Byrne asked for comments from the public. No comments from the public. Chairman Byrne

read a letter dated 5/18/15 received from Leslie & Dolores Proul, 10 Radio Tower Road supporting Mr. Capanna's variance request. After discussion, Chairman Byrne closed the public hearing at 7:23 p.m. **Motion** by C. Montagno, seconded by S. Blinstrubas to approve Application 01-2015 as presented. Discussion: C. Witkowski stated that applicant could not move the garage farther to the right due to the septic system. C. Montagno stated concern about the height of the door and the potential for storing commercial equipment. S. Blinstrubas stated that the abutting neighbors were supportive of the application and that he thought Mr. Capanna should be able to house the vehicles in which he pays taxes on. M. Buonaiuto stated that he did not have a problem with the application. M. Byrne expressed concern over the lack of hardship as the house had just recently been built and already has garages. C. Montagno, S. Blinstrubas, M. Buonaiuto and C. Witkowski voted to approve. M. Byrne did not vote to approve. **Motion carries.**

b. 7:25 p.m. (scheduled for 7:20 p.m.) Application 02-2015 of Diane Neri, 22 Putting Green Lane for a 4-foot sideline setback variance of Regulations Section 3.2.4.2 and a 12-foot front yard setback variance of Regulations Section 3.2.4.1 to place a front porch and stairs 21-feet from the left sideline and 38-feet from the front property line. Diane Neri was present and submitted the required *Certificates of Mailings* to the clerk. Mrs. Neri presented the Board with a sketch showing the proposed location and dimensions of the covered front porch and stairs. Mrs. Neri stated that the covered front porch would help to decrease the ice and snow that builds up on the existing walkway due to lack of sun. Chairman Byrne asked the public for comments. No comments from the public. After discussion, Chairman Byrne closed the public hearing at 7:30 p.m. **Motion** by M. Buonaiuto, seconded by S. Blinstrubas **to approve Application 02-2015 as presented.** Discussion: M. Buonaiuto said he felt it was appropriate and not too excessive. S. Blinstrubas stated that the Board already granted the side yard variance previously and the deck will be flush with the house. M. Byrne stated that she did not have a problem with the various citing the safety issue. C. Montagno agreed with M. Byrne and S. Blinstrubas. C. Witkowski stated that he did not have a problem with the application. **Unanimous.**

c. 7:31 p.m. (scheduled for 7:30 p.m.) Application 03-2015 of Eric LoRusso, 28 Maple Drive for an 11-foot sideline setback variance of Zoning Regulations Section 3.2.4.2 to place a rear deck 14-feet from the left sideline. Mr. LoRusso was present and submitted the required *Certificates of Mailings* to the clerk. Mr. LoRusso provided the Board with a survey of his property showing the proposed rear deck and its dimensions. Mr. LoRusso stated that the proposed 18' x 25' deck would be 3-feet high and will provide access out to his back yard. Mr. LoRusso stated that the deck would not have a roof. Chairman Byrne asked the public for comments. No comments from the public. After discussion, **Motion** by C. Witkowski, seconded by C. Montagno **to approve Application 03-2015 as presented.** Discussion: C. Witkowski stated that the deck was necessary for the applicants to exit the back of the house. C. Montagno did not have a problem having seen a survey. M. Byrne stated that she had no problem with the application since the house is already non-conforming. M. Buonaiuto and S. Blinstrubas both agreed with the others. **Unanimous.**

New Business: (continued)

b. Jack Geary, 65 Morris Road, Prospect, CT 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. Mr. Geary stated that the home originally had concrete steps that had deteriorated over time. Mr. Geary presented the commission with a sketch of a 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. After discussion, **Motion** by C. Montagno, seconded by C. Witkowski to accept 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 6-feet off the front property line. **Unanimous**. A public hearing was scheduled for Tuesday, June 23, 2015 at 7:20 p.m. Mr. Geary stated that he would stake out the proposed porch for the Board's review.

Old Business: None

Public Participation: None

Adjournment: **Motion** by C. Montagno, seconded by S. Blinstrubas to adjourn at 8:00 p.m. **Unanimous**.

Marianne Byrne

Marianne Byrne
Chairman
tld/clk