

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
MAY 19, 2021**

MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: James Stevenson, Chairman
Robert Haley, Vice-Chairman
Keshet Spadaccini, Secretary
Edward Slegeski

Alternates: Jonathan Mitchell, Sitting

Absent: Albert Gionet
Sandra DeCampos
Linda Harris

Also Present: Megan Pilla, Senior Planner
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 8:00 P.M. The secretary read the legal notice when the call was made.

PAUL & AMBER MORIARTY – Application #2021-029 – Request a variance of Art. II, Sec. 1.03.01(f) to allow a 288 sq. ft. “pool house” (shed with a covered deck) (240 sq. ft. permitted) at 199 Bella Vista Lane, Residence AA zone.

Mr. Slegeski commented that he believes the hardship is financial. Considering that they purchased the structure in 2020, they did not learn about the application in April 2021. He is uncomfortable because they purchased the building without knowing the zoning rules. After purchase, they applied for a variance, though the structure has been installed already.

Mr. Stevenson reported that the circumstances are unique because of the pandemic and noted the shortage of building materials. He commented that this is not a traditional hardship, but these are not traditional times. In his opinion, it is a hardship and he supports this application.

Mr. Mitchell added that he would not typically approve this type of decision, but the shortage of building products due to the pandemic is an undue hardship. He did realize there is a financial hardship.

MOTION: Mr. Haley moved to approve the variance. Mr. Mitchell seconded the motion and all members voted in favor.

The hardship is the difficulty of getting materials during the COVID-19 pandemic.

ROBERT & MARY FISH – Application #2021-031 – Request a variance of Art. II, Sec. 1.03.04(c) to allow a garage 1.5+/- ft. from the side property line (5 ft. required) and 2.5+/- ft. from the rear property line (5 ft. required) at 17 Strickland Street, Residence A zone.

Mr. Haley noted that this is an old neighborhood and the footprint will not change.

Mr. Stevenson concurred and supports the variance to build a more modern garage.

MOTION: Mr. Haley moved to approve the variance. Ms. Spadaccini seconded the motion and all members voted in favor.

The hardship and reason for the approval is that the proposal will not increase the existing nonconformity and it is the best location for the garage.

MR. & MRS. SUPRIN – Application #2021-032 – Request a variance of Art. II, Sec. 7.02.02 to construct a sundeck 21.5 ft. from the rear property line (30 ft. required) at 166 Castle Hill, Planned Residential Development zone.

Mr. Haley felt that the sundeck will create a safer egress for an aging community. He spoke with several neighbors and all supported the variance.

Mr. Mitchell stated that he is opposed to the variance. He felt that they have an exit in the sunroom. Additionally, Unit A approves the variance, but he was concerned about a neighbor adjacent to the sundeck. He speculated that this is a unique situation.

Mr. Haley understood the concerns. However, in looking at the property, it is quite a distance down to the pad for the back deck. In his opinion, if a resident suddenly needs to use a wheelchair, it will become a safety issue. He personally spoke with three neighbors.

Mr. Mitchell and Mr. Haley discussed the ability for a disabled resident to access the sundeck. Mr. Mitchell appreciated Mr. Haley's comments and agreed that it could become a safety issue.

MOTION: Mr. Haley moved to approve the variance. Mr. Slegeski seconded the motion. Mr. Stevenson, Mr. Haley, Ms. Spadaccini, and Mr. Slegeski voted in favor. Mr. Mitchell voted against the motion. The motion passed 4 to 1.

The hardship and reason for the approval is that the sundeck will create a safer egress for older adults and provide a safe exit if the front door is ever blocked.

PAUL CONSTANT – Application #2021-033 – Request a variance of Art. II, Sec. 4.01.01 to install an air conditioning condenser 8+/- ft. from the side property line (10 ft. required) at 25 Green Manor Road, Residence A zone.

Mr. Slegeski stated that he is concerned about the noise issue but felt that the land disruption on the other side could be a problem.

Mr. Stevenson added that the lot is quite small, and he felt it is the best location due to the topography.

MOTION: Mr. Slegeski moved to approve the variance. Mr. Mitchell seconded the motion and all members voted in favor.

The hardship is the necessity to disrupt topography in order to place the unit on the other side of the house.

AUTUMN LAPOINTE – Application #2021-036 – Request a use variance of Art. II, Sec. 16.13 to allow an eyelash studio at 8 Sanrico Drive, Industrial zone.

MOTION: Mr. Slegeski moved to approve the variance with the conditions:
1. That the applicant submit a detailed parking layout plan; and
2. That there be no commercial vehicle parking on the property.
Mr. Haley seconded the motion and all members voted in favor.

The hardship and reason for the approval is that this is a complimentary business to the existing use.

Mr. Haley commented that the industrial park has several personal use businesses, though he would like to ensure that there will be no lawn care company at the location.

Mr. Mitchell noted that a key component of the applicant’s proposal is the partnership with the gym owners.

Mr. Stevenson stated that he is in support of the variance as it is a complementary business and will not expand the footprint of the building.

APPROVAL OF APRIL 28, 2021 MINUTES: PUBLIC HEARING AND BUSINESS MEETING

MOTION: Mr. Slegeski moved to approve the minutes. Mr. Haley seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS

PETER SHUTTE – Application #2021-039 – Request a variance of Art. II, Sec. 2.01.01 to allow construction of a deck 47 ft. from the front property line (50 ft. required) at 63 Wyneding Hill Road, Rural Residence zone.

OTHER BUSINESS

Mr. Haley informed Mr. Mitchell that economics can never be used as a hardship, with which Mr. Stevenson concurred.

Mr. Slegeski observed that the Board has received many applications recently for variances regarding already completed projects. This is his personal opinion and he is uncomfortable with these recent applications. There are cases that, in his opinion, put the Board in a tough position because the applicant made a decision on their own and comes to the ZBA in a manner of seeking forgiveness.

Mr. Stevenson noted that there are individuals who do their due diligence and then there are others who, through lack of knowledge or due diligence, come before the Board.

Ms. Spadaccini concurred with Mr. Slegeski. It is her opinion that it is the duty of homeowners to do their due diligence rather than ask for forgiveness. Ignorance of the law is no excuse, she stated. Ms. Spadaccini noted that she is concerned that over the next year the Board will have more applications such as these using the pandemic for their reasoning.

MOTION: Mr. Slegeski moved to adjourn the meeting.

The Business Meeting was closed at 8:30 P.M.

I certify these minutes were adopted on the following date:

June 23, 2021
Date

James Stevenson, Chairman

NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.