

From: Carrie Vibert September 27, 2012 1:41:46 PM
Subject: Zoning Board of Appeals Minutes 08/22/2012 ADOPTED
To: SimsburyCT_ZBAMin
Cc:

ZONING BOARD OF APPEALS
REGULAR MEETING – ADOPTED MINUTES
August 22, 2012

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:01 P. M. in the Main Meeting Room at Simsbury Town Hall. The following members were also present: Carol Bingham, Paul Cocchi, Dennis Fallon, Thomas Horan, and Greg Piecuch. Also present were Lynn Charest, Zoning Compliance Officer; Lisa Gray, Commission Clerk; and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Dennis Fallon to serve for Katie Martin and Paul Cocchi to serve for Craig MacCormac.

III. PUBLIC HEARING

A. 12-12 Application of Elizabeth Goldfarb, Owner, for a variance to construct a deck, pursuant to Article Eight, Section A, of the Simsbury Zoning Regulations, on property located at 4 Nod Brook Drive. (Map C19, Block 511, Lot 022). R-40 Zone.

Elizabeth Goldfarb explained that she is seeking a 4-foot side yard variance to reconstruct an existing non-conforming deck that was damaged by the October 29, 2011 storm. She further explained that, because of the location of the house on the lot and the location of septic fields on the rear of the property, a variance to build a small addition on the home was granted in 1979. At some point after that, but before the Goldfarbs purchased the property, the small deck was constructed onto the addition without proper permitting.

Chairman Stempien opened the hearing to public comment, and read into the record letters in favor of the application from Erin Wan, 1 Nod Brook Lane; Karen and Bill Barton, 16 Nod Brook Drive; John Fieger and Susanne and Charles Spear, 1 Nod Brook Drive; Buffie and Jeff Pinney, 7 Nod Brook

Drive; Mark Bellenger, 5 Nod Brook Drive; Mike and Jill Mastrianni; 3 Nod Brook Drive; Bob Duguay, 11 Nod Brook Drive; Aaron Busick, 4 Nod Brook Lane; Tina Trask, 10 Nod Brook Drive; Ray and Roberta David, 8 Nod Brook Drive; and Barbara and Ron Robinson, 2 Nod Brook Drive. Robert Duguay also appeared before the Board and stated he has no problem with the variance.

Hearing no further comments, Chairman Stempien closed the public hearing.

A motion was made by Mr. Piecuch to approve the variance based on the location of the house and septic fields on the property. The motion was seconded by Mr. Fallon, and unanimously carried.

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B. 12-13 Application of Benny Gjonbalaj, Applicant for Southmeadow Associates, LLC, Owner, for a variance to the front yard setback to accommodate an awning over the existing front walk, pursuant to Article Eight, Section A, of the Simsbury Zoning Regulations, on property located at 562 Hopmeadow Street. (Map G12, Block 132, Lot 036). Zone B-1.

Benny Gjonbalaj explained that he is seeking a .5-foot side yard variance for an awning over the entrance to his restaurant. He further explained that the structure for the awning was installed with other approved renovations without him realizing that a variance was required.

Elizabeth and Burt Goldfarb, 4 Nod Brook Drive, spoke in favor of the variance, adding that the awning will enhance the appearance as well as the safety for entrance to the building.

Mr. Piecuch read from the town regulations all requirements of a site plan application and noted that this site plan application did not meet the requirements. He also noted that the application should not have gone before, nor been approved by, the Zoning Commission without a survey, which this application was lacking until a month ago.

Chairman Stempien opened the hearing to public comment.

Howard Beach, Simsbury Zoning Compliance Officer, noted that Town Code requires that handicapped access to a building, which this application seeks to address, be covered for safety reasons.

Hearing no further comments, Chairman Stempien closed the public hearing.

A motion was made by Mr. Horan to approve the variance based on code requirements for safety, as well as the location of the building on the site. The motion was seconded by Mr. Fallon, and unanimously carried.

IV. APPROVAL OF MINUTES

A. July 25, 2012

A motion was made by Ms. Bingham to approve the minutes of the July 25, 2012 meeting, as presented. The motion was seconded by Mr. Fallon. Mr. Piecuch abstained. Motion carried.

V. OTHER BUSINESS

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Chairman Stempien announced his resignation from the position of Chairman of the Zoning Board of Appeals, effective September 1, 2012.

A motion was made by Mr. Piecuch to pass a resolution expressing gratitude to Peter Stempien for 28 years of service to the Zoning Board of Appeals and the Town of Simsbury. The motion was seconded by Mr. Horan, and unanimously carried.

VI. ADJOURNMENT

A motion was made by Ms. Bingham to adjourn the meeting at 7:53 P. M.

Thomas Horan, Secretary