

**MINUTES
ZONING BOARD OF APPEALS
WATERTOWN, CONNECTICUT**

REGULAR MEETING

Time: 8:03 P.M.

Date: Wednesday, July 22, 2009

Place: Swift Middle School Media Library Room
250 Colonial Street
Oakville, Connecticut

1. Call meeting to order

Chairman, Mr. Enrico Sarandrea called the meeting to order at 8:03 P.M.

Chairman, Mr. Enrico Sarandrea seated Mr. Gary Swingle for Ms. Joanna Abraham.

2. Roll call

Mr. Gary Swingle executed the roll call.

Present: Chairman, Mr. Enrico Sarandrea
Vice Chairman, Mr. Phil Roger
Mr. Roger Mitchell
Alternate, Mr. Gary Swingle
Alternate, Mr. Jason Alldridge
Mr. Jeffery Franson

Absent: Secretary, Ms. Joanna Abraham

Also Present: Wetlands Enforcement Officer, Mr. Moosa Rafey
Land Use Secretary, Mr. Chuck Bezio

Chairman, Mr. Enrico Sarandrea seated for Secretary, Ms. Joanna Abraham

3. Action on minutes

- A. Public Hearing June 24, 2009 App. #913 Robert Santamaria
- B. Public Hearing June 24, 2009 App. #915 Daniel and Linda Gorman
- C. Public Hearing June 24, 2009 App. #916 Allan Springmeyer
- D. Public Hearing June 24, 2009 App. #917 Nancy LaVasseure
- E. Pubic Hearing June 24, 2009 App. #918 Gateway Bible Church
- F. Regular Meeting June 24, 2009

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Mr. Mitchell noted that he was not in attendance for the Santamaria hearing but attended the rest of the meeting, the meeting minutes need to be correct to reflect this.

Mr. Swingle expressed concerns with the Meeting Minutes changing from verbatim to summary.

Mr. Rafey advised the Board that it was not his idea to make the change. The town wanted the meeting minutes shorter.

Mr. Bezio advised the Board that Mr. Swingle expressed concerns that the Santamaria hearing would not be transcribed. Mr. Bezio reported that he had spoke with the Administrator of Land Use, Ruth Mulcahy and that transcripts of the Santamaria hearing would be done. Mr. Bezio noted that the minutes are the minutes but transcripts would be done for the record on this case.

Mr. Swingle expressed concerns with the paraphrasing on the minutes. He did expressed concerns with putting his thoughts and other board member's thought together.

Mr. Franson asked Mr. Swingle if he believes the paraphrasing doesn't reflect what was talked about at the meeting.

Mr. Swingle said he would like to see paraphrasing and quotes.

Mr. Rafey noted that the reason for the change was to save time.

MOTION: Mr. Jeffery Franson moved to have staff inquire about have verbatim minutes of the meetings.

SECOND: Alternate, Mr. Gary Swingle.

VOTE

AYES:

Vice Chairman, Mr. Phil Roger; Chairman, Mr. Enrico Sarandrea; Mr. Roger Mitchell, Jeffery Franson; Alternate, Mr. Gary Swingle.

NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

MOTION: Alternate, Mr. Gary Swingle moved to approve items 3B through 3E and table items 3A and 3F.

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SECOND: Mr. Roger Mitchell.

VOTE

AYES:

Vice Chairman, Mr. Phil Roger; Chairman, Mr. Enrico Sarandrea;
Mr. Roger Mitchell; Alternate, Mr. Gary Swingle.

NAYS: None.

ABSTAINED: Mr. Jeffery Franson

MOTION PASS T 4-0.

4. Old Business

- A. Application #915 of Daniel and Linda Gorman for a variance of 4 feet to side property line setback to permit the construction of an addition to an existing single family dwelling at 988 Bassett Road, Watertown.**

If the Public Hearing is closed on July 22, 2009 then a decision is required by September 24, 2009.

(Done Verbatim)

Chairman Sarandrea: Old Business, Application #915 of Daniel and Linda Gorman for a variance of 4 feet to side property line setback to permit the construction of an addition to an existing single family dwelling at 988 Bassett Road, Watertown. Do I have a motion?

Mr. Mitchell: Motion to approve.

Chairman Sarandrea: Any discussion.

Mr. Rafey: Someone should second.

Chairman Sarandrea: Do I have a second. Motion to approve is there a second?

Mr. Franson: I'll second it to keep the discussion going how's that?

Chairman Sarandrea: Ok, Ok. Any discussion?

Mr. Franson: I'll try, I'm not there with the variance I think. I think there is options that the a the would permit the owner to, um, get a two car garage without the, within the a our current regulations. I think they should pursue other options.

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And I do not think that they demonstrated a hardship. I think they have other options available to them. I am very concerned with about you know getting closer to the trees people will you that people they state the trees wont a wont be damaged but I am of the belief that they will. Um, you know there is a regularly 10' breezeway and you know I think they could change that if I they changed configuration and I think they can get a could do a doable, workable nice two car garage within the a, within the boundaries within the regulations. I do not think they demonstrated the hardship.

Mr. Roger: I have to agree with Jeff because a I'm mean at this point if it was a 17' you know, variance that they needed that this creates a larger hardship than only needing 6' or 7' at this point, um there is some other options hear which, you know that the applicant would be able to meet the setbacks for this case.

Mr. Swingle: Perhaps we could revisit it if the well was shown if it shown on a site plan that the well.

Mr. Franson: Absolutely.

Mr. Swingle: Really did cause the

(Inaudible – multiple people seeking)

Chairman Sarandrea: Well it is true we do not have a plan. We don't know exactly the dimensions on the property.

Mr. Swingle: We really do not know where the septic is.

Chairman Sarandrea: We are kind of going blind hear. I am in agreement to that the building could be pushed right along side the house and it would look as bad as. If it is going to look bad it going to look the same.

Mr. Roger: Can we do another site walk with the well and sewer marked up?

Mr. Rafey: The problem is the applicant can not sbmit additional information for you to decide.

Chairman Sarandrea: We closed the public hearing.

Mr. Roger: At this point, if its, if its denied he has to come and reapply.

(In audible)

Mr. Rafey: Look I mean if you get ride of the breezeway to push the garage attached to the house.

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Mr. Swingle: if he had to reapply there is no alternative to reapply is there?

Mr. Rafey: No, but they can, they can.

Mr. Swingle: There is noting they can do about it right.

Chairman Sarandrea: No.

Mr. Rafey: But there should be some changes to, because it does not make sense if you deny this and if they submit a similar application.

(Inaudible)

Mr. Rafey: But if you want me, you can, you can table this until next month I can provide the location information for you where the well and septic is located on that property. I can get some information from the Health Department. But, the applicant can not discuss this issues with you. As a staff member I can give you that information before you make a decision.

Mr. Franson: Can we accept all that information with the public hearing closed?

Mr. Bezio: Staff can.

Mr. Rafey: I can provide it to you as a staff member that where is the well and where is the septic located on the property.

Mr. Franson: And how do you demonstrate, that location to us without a plot plan?

Chairman Sarandrea: Right.

Mr. Franson: We need to know the relationship.

(Inaudible)

Mr. Rafey: I will check with the Health Department they will probably have a septic plan.

Chairman Sarandrea: We need a site plan.

Mr. Franson: We need to show the relationship of the driveway.

Mr. Rafey: The applicant can not discuss these issues with you. As a staff member I can you give you the information.

Mr. Franson: Can we accept all that additional information with the public hearing closed?

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Mr. Rafey: Staff can provide it as a staff report about where is the well, and where is the septic located on the property?

Mr. Franson: How do you demonstrate that location to us without a plot plan?

Chairman Sarandrea: Right.

Mr. Franson: I will need to know (inaudible)

Mr. Rafey: I will check with the health department, probably they will have it.

Chairman Sarandrea: You really need a site plan.

Mr. Franson: You will need to know the relation of the driveway with the well is with the existing home with the, you know. If you have existing plot plan than you can go to the health department and say.

Mr. Rafey: They did not provide it.

Mr. Swingle: That is, what makes it really, hard.

Mr. Franson: That is what makes it hard, if the fact that they had plot plan than we would be able to see well exactly hear is the measurement of there hear is the end of the septic from the driveway.

Mr. Swingle: I am with you.

Mr. Franson: That what makes this difficult to a.

Chairman Sarandrea: The other thing I was concerned about was, I said it to, is that not that it is any property would be land locked I think. You know what I mean? Like, your not always going to own the house. That not something, your not going to always own that house, and you know. Its kind of, kind of.

Mr. Franson: You would not be able to around back from that side. You could go the other side. I mean that would be the only way.

Chairman Sarandrea: Ya, ya, yu.

(Inaudible)

Mr. Aldridge: Just one thing, I, putting the garage there using the existing garage would make maneuvering at little cumbersome I would have to think to get to the left side garage.

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Chairman Sarandrea: Oh, ya.

Mr. Aldridge: Not like a straight shot like they are seeking know.

Mr. Franson: You will have the same thing now, because it is only 10' away from the, you are going to have same the maneuver. By moving it back you will have more to navigate that turn. Where it is now.

Chairman Sarandrea: That true.

Mr. Franson: Where it is now, you will have a little more room to navigate that. .That a turn, that not the right turn, but.

Mr. Aldridge: Oh, pushing it back. I thought your plan was to move part of the existing house (inaudible)

Mr. Franson: No, No, No.

Mr. Aldridge: No.

(Inaudible)

Mr. Rafey: I could show it on the board.

(Inaudible)

Chairman Sarandrea: This could be a breezeway for the garage. This will be a garage. Then they have this little fence right hear.

(Inaudible)

Chairman Sarandrea: So, after pushing back, you drive up and can.

(Inaudible)

Mr. Franson: Even if the wanted, wanted a little walk through they could

Chairman Sarandrea: What ever this room, what is this room? That is the existing garage. What is the room going to be?

Mr. Franson: That is going to be like a family room, or something.

Chairman Sarandrea: Is that going to be a family room?

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Mr. Rafey: You can not talk to them.

(Inaudible)

Mr. Franson: All I am saying, they have a door here. They have a door here that, that they want to make the breezeway with. I say make the door of the back. Even if you wanted to have this 3' away you'll even have a little walk way. You could walk between the house and the garage the breezeway would go there. You could push this over to

(Inaudible)

Chairman Sarandrea: You would not need a variance at all.

Mr. Franson: You would not need a variance at all.

(Inaudible)

Mr. Franson: What you're doing is the front the garage would be at the end of the pavement is now. You will shift the hole garage

(Inaudible)

Mr. Franson: That is just an idea, just.

Mr. Roger: We do not know where the well is, I mean the well, with out knowing that you do not know how close it is going to be to the garage by moving it back.

Mr. Franson: The applicant told us that the, um, the well is behind the home. So when we initially talked about building the garage directly behind the existing garage, which we would build 24' toward the well. That, that wouldn't encroach on the well. I'm, I'm I believe it was 24' close to the back, because back of the property, and don't go any closer to the wall than what the existing house is. So, I don't think you would encroach on the well.

Mr. Roger: Do we have that dimension telling 24', telling you 24' for where?

Mr. Franson: What the point?

Mr. Roger: You said, the well is 24'.

(Inaudible)

Mr. Franson: I think it has to be 20'-25' away from.

Chairman Sarandrea: 25' away.

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Mr. Franson: The house is closer to that.

Chairman Sarandrea: The structure has to be.

Mr. Franson: The house is closer to that

(Inaudible)

Mr. Franson: But, but the garage would not be closer.

(Inaudible)

Mr. Franson: I think there are options.

Chairman Sarandrea: So what do you want to do? What are we doing?

Mr. Rafey: there was a motion to approve and it was seconded. And you guys can vote on it.

Chairman Sarandrea: We are voting on. We are making a motion to approve. We voting the existing.

Mr. Rafey: You just vote.

Mr. Franson: Your voting to approve, your voting to approve, the variance that the applicant has requested.

Mr. Rafey: See how the members, vote.

Chairman Sarandrea: OK, oh right. I have a motion on the floor and a second.

All in favor: Roger Mitchell.

Opposed.: Chairman, Mr. Enrico Sarandrea, Vice Chairman, Mr. Phil Roger, Mr. Gary Swingle, Mr. Jeffery Franson.

Chairman Sarandrea: Motion fails.

- B. Application #917 of Nancy LaVasseur for a variance of 18 feet to rear property line setback to permit the construction of a deck to be located 12 feet from rear property line at 281 Davis Street, Oakville, CT.**

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MOTION: Mr. Roger Mitchell moved to approve.

SECOND: Mr. Jeffery Franson

Discussion:

Mr. Franson based on the fact that there are services to the home. And the rear of the home is the best place for the deck for safety and privacy. I believe this is the best location. There has been no objections by any of the neighbors.

VOTE

AYES:

Vice Chairman, Mr. Phil Roger; Chairman, Mr. Enrico Sarandrea; Mr. Roger Mitchell; Alternate, Mr. Gary Swingle; Mr. Jeffery Franson.

NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

- C. Application #918 of Gateway Bible Church for two variances of the Watertown Zoning Regulations concerning signs to permit the installation of a freestanding sign to be located 1 foot from front property line at 500 Buckingham Street, Oakville, CT.**

If the Public Hearing is closed on July 22, 2009 then a decision is required by September 24, 2009.

MOTION: Mr. Roger Mitchell moved to approve.

SECOND: Vice Chairman, Mr. Phil Roger.

Discussion:

Mr. Franson asked if the variances are together, the sign size and the location.

Mr. Rafey advised the Board that yes the sign size and the location variances are together. There is two variances.

Mr. Franson noted that he is concerned with the size of the sign. He noted that the size of the sign appear a little large for him. He agrees the 40' right way makes them need a variance for the location.

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Mr. Swingle noted that it is more like a text board sign and not a light up catchy sign he find the request more reasonable. He noted that he finds small signs annoying because you are trying to drive and read the sign and you are unable to.

Mr. Franson said that he is looking at the design of the sign and the welcome to could be removed. They could move the Gateway up and redesign the sign so that it works within the Zoning regulations. He noted that he believe that applicant has options. If the important thing is to make the information that want to provide then they could make the other stuff a bit smaller. Since this goes with the property should the Bible Gateway go and someone else wants to go there, the sign size stays with the property.

Mr. Roger asked if what would be acceptable if we grant the variance for the location but deny the variance for the size.

Mr. Franson also expressed concerns with the fact that the applicant had not provided what the sign would look like.

Mr. Sarandrea noted that most applicants provide a copy of what the new sign will look like. The Bank last month brought in samples of what the new sign will look like.

Mr. Roger Mitchell withdrew the motion.

MOTION: Mr. Jeffery Franson moved to approve the location of the sign.

SECOND: Mr. Gary Swingle

VOTE

AYES:

Vice Chairman, Mr. Phil Roger; Chairman, Mr. Enrico Sarandrea; Mr. Roger Mitchell; Alternate, Mr. Gary Swingle; Mr. Jeffery Franson.

NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

MOTION: Mr. Jeffery Franson moved to deny the variance for the size of the sign.

SECOND: Mr. Roger Mitchell.

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Discussion:

Mr. Sarandrea said I am not sure but if they did show us another sign compares to this sign I mean we have done it before maybe we could have given them some where near what they requested with a little variance.

Mr. Roger noted that they are looking for a variance of a 3'x 3' square this is not a lot.

Mr. Franson noted that you are only looking at what they are adding to the entire sign and its size.

Mr. Swingle stated that the fact the sign is single sided the variance is not unreasonable.

VOTE

AYES:

NAYS:

Mr. Jeffery Franson.

Vice Chairman, Mr. Phil Roger; Chairman, Mr. Enrico Sarandrea;
Mr. Roger Mitchell; Alternate, Mr. Gary Swingle.

MOTION Failed 1-4.

5. New Business

None

6. Communications and Bills

None

7. Reports from Committees

None

Mr. Rafey handed out the Board the Santamaria appeal and requested that they do not discuss it just read.

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Mr. Roger stated that he was very disappointed that the Board held the election of officers last month when he was not in attendance. He reminded the Board that he table the election of officers until there was a full member board in attendance.

8. Adjournment

MOTION: Mr. Jeffery Franson moved to adjourn at 8:46 P.M.

SECOND: Alternate, Mr. Gary Swingle.

VOTE

AYES:

Vice Chairman, Mr. Phil Roger; Chairman, Mr. Enrico Sarandrea;
Mr. Roger Mitchell; Alternate, Mr. Gary Swingle; Mr. Jeffery
Franson.

NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

Attest:



Chairman, Mr. Enrico Sarandrea
Zoning Board of Appeals