

June 26, 2012

MINUTES: THE ZONING BOARD OF APPEALS, Town of Hamden, held a Public Hearing and Regular Meeting on Thursday, June 21, 2012 at 7:00 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT. and the following actions were taken::

Commissioners in attendance:

Wayne Chorney, Acting Chair
 Bill Reynolds
 Elaine Dove
 Suzanne Carroll, sitting for Fran Nelson

Staff in attendance:

Dan Kops, Assistant Town Planner
 Tim Lee, Assistant Town Attorney
 Stacy Shellard, Commission Clerk
 Lisa Raccio, Stenographer

Mr. Chorney called the meeting to order at 7:02 p.m., reviewed the agenda and meeting procedures, and the panel introduced themselves.

A. Public Hearing

- 1) **12-6566** 191 Thornton St, Requesting variance: Section 220, Table 2.3 to permit 6ft side yard where 12ft is required for an addition. Section 220, Table 2.1 to permit 44% impervious surface where 30% is allowed. R-4 Zone, Frank & Robin Esposito, Applicant

Mr. Don Lamy, Contractor, addressed the Commission and reviewed the site and the application.

Ms. Dove stated that she had gone to the site and she asked if the deck would impact the roots of a large tree located in the rear yard. Mr. Lamy replied that he does not anticipate any problems. Ms. Dove asked if there would be a basement under the addition and Mr. Lamy replied that there would be a crawl space.

Mr. Chorney asked if the wetlands were a concern. Ms. Masi explained that the Wetlands Enforcement Officer has issued a de minimis determination which includes conditions to avoid any impact to the wetlands.

Ms. Dove said that there was a tremendous amount of debris located in front of the site at the curb.

Mr. Frank Esposito, Property Owner, addressed the Commission and stated that the majority of the debris has been removed and the remainder would be taken away this weekend.

Ms. Holly Masi, Zoning Enforcement Officer, asked if the addition would be one story. Mr. Lamy said the addition would be one story and the height would be below the existing roof line. Ms. Dove asked if a second story could be added in the future. Mr. Lamy replied that the addition would support an additional floor, but the homeowners are planning a cathedral ceiling. Ms. Masi explained if a second story were to be added, the homeowners would need to apply for another variance.

Mr. Chorney discussed with Mr. Lamy the materials that would be used for the construction of the deck. Mr. Chorney asked if the materials being used for the deck were pervious. Mr. Kops explained if the materials used were pervious then it would change the requested amount of impervious surface. Ms. Masi said that the deck was calculated as impervious surface.

Mr. Chorney asked for comments in favor of the application. There was none.

Mr. Chorney asked for comments against the application:

Ms. Ellen Rosenthal, 185 Thornton Street, addressed the Commission and submitted and read into the record a letter that stated she is opposed to the proposed addition.

Ms. Susan Wade, 190 Thornton Street, addressed the Commission and submitted a statement stating her concerns and read it into the record.

Mr. Chorney asked Ms. Masi how the building coverage was calculated. Ms. Masi explained that the building coverage is determined by what is represented on the plans submitted with the application.

The Commission and the Planning Staff discussed the size of the existing deck and proposed deck with regards to the amount of lot coverage. The Planning Staff calculated the existing lot coverage and determined it was 21 percent and the proposed addition and deck would be 24.9 percent.

The Commission discussed the impervious surface coverage with the Planning Staff. With the proposed addition and deck the impervious surface would be 41.2 percent. If the deck is constructed with pervious materials the impervious service will be 40 percent.

Ms. Dove stated that the proposed addition is duplicating the size of the existing house because it will be adding 5/7 of the size of the existing house.

Mr. Chorney asked if the existing deck could be used for the addition. Mr. Lamy explained that the existing deck could be used, but he feels that additional piers would be needed to support the structure.

Ms. Masi explained that a variance for impervious surface would not be needed if the paved driveway was removed, and if the addition is moved over it would meet the side yard requirements. The Planning Staff discussed with the Commission what could be done to reduce the size of the non-conformity.

Mr. Chorney asked why the addition was needed. Mr. Esposito stated that he and his wife moved into Spring Glen five years ago and have since had children. He would like a common room for his family to use and grow as a unit. Mr. Chorney asked if the addition could be smaller and Mr. Esposito replied it is a possibility. Mr. Lee said the applicant could ask the Commission to continue the Public Hearing to allow them time to discuss making the proposed addition smaller.

Mr. Chorney said that the neighbors are concerned with flooding and this is not regulated by the ZBA Commission. Ms. Masi explained that the Town Engineer will review the zoning permit for stormwater management. Mr. Chorney asked how far away from a wetland area would construction need to be to not need a review by the IWC. Ms. Masi stated that activity within 200 feet of a wetland area requires a review by the IWC. However, a de minimis ruling was made, which is binding and has conditions that must be adhered to.

Ms. Robin Esposito, Property Owner reviewed with the Commission and the Planning Staff what could be done on the property to reduce the non-conformity of the allowed lot coverage and impervious surface.

The Planning Staff discussed with the Commission what the filing deadlines would be if the application were withdrawn or denied.

Mr. Lamy asked that the Public Hearing be continued until the July 19, 2012 meeting.

Mr. Chorney continued the Public Hearing until the July 19, 2012 meeting.

2)12-6468 15 Bear Path Rd, Requesting variances: Section 620.b to permit 875 square ft where 600 square ft is allowed for an accessory dwelling unit, Section 620.f to permit exterior changes to the existing front of the principal dwelling. R-3 zone, David Iezzi, Applicant

Mr. Dave Iezzi, Property Owner, addressed the Commission and reviewed the application. He said that his mother, brother and niece will be living in the accessory apartment. It will be handicap accessible for his mother.

Mr. Reynolds asked who will live in the accessory dwelling and Mr. Iezzi replied his mother, brother and niece. He will remain in the main house.

Mr. Chorney asked how the apartment will be accessed. Mr. Iezzi stated that there will be an entrance from the outside and a door between the main house and the accessory dwelling. Mr. Iezzi reviewed the proposed floor plan with the Commission. Mr. Kops explained that there can be access between the two different living areas and the variance being requested is for 875 square feet where only 600 square feet is permitted.

Mr. Chorney asked if the addition could be considered part of the existing house. Ms. Masi explained that there will be a separate entrance into the apartment and also a kitchen and bathroom. Mr. Chorney asked if there is a need for a separate access into the apartment and Mr. Kops said yes. The Commission further discussed the access into the apartment.

Mr. Chorney is concerned that when the property is sold it may become student housing. Ms. Masi stated that the zoning regulations require the property owner to live on the premises in the house or the accessory apartment.

Ms. Dove said that the zoning regulation allowing an accessory apartment to be only 600 square feet is to limit the amount of people living on the premises. She is concerned that the apartment is too large to be attached to the house. She feels that the location is near Sheppard Avenue and it could be utilized as an apartment in the future. Mr. Iezzi explained that when something happens to his mom he will remove the kitchen and utilize the area.

Ms. Dove asked why his mother cannot rent an apartment nearby. Mr. Iezzi explained that his mother must raise her granddaughter, but that she needs assistance.

Ms. Dove questioned the slope of the property, lot coverage and if stormwater would be an issue. Ms. Masi said that the Town Engineer would review prior to issuing a zoning permit and there should not be an issue with the slope. She said that because of the size of the lot, building coverage is not an issue. Ms. Masi explained that if the applicant were to eliminate the kitchen, he could get a zoning permit without a variance.

Mr. Chorney asked about the front portico entry way. Mr. Iezzi reviewed the entry way as it exists and he reviewed the proposed site plan.

Mr. Chorney asked about the parking requirements. Mr. Iezzi reviewed the existing driveway. Ms. Masi explained that the parking requirements would be met and the zoning regulations do allow on street parking.

Mr. Chorney asked why Mr. Iezzi is requesting 875 square feet for an accessory apartment. Mr. Iezzi explained that for three people a 600 square foot area would be small. Mr. Lee asked if the apartment would have three bedrooms. Mr. Iezzi replied there would be two bedrooms, but could make it three bedrooms if required.

Ms. Dove asked if there would be a basement. Mr. Iezzi explained that there will be a full basement and he will use it for storage. He reviewed the proposed basement and access into it with the Commission.

Ms. Dove asked if a bedroom could be put in the basement. Ms. Masi explained that before a bedroom could be put in the basement it would need to be reviewed by QVHD and the Building Department for compliance with the Housing and Fire Codes. Mr. Iezzi said that he could use the area as a family room.

Mr. Chorney has doubts that two bedrooms will work. Mr. Iezzi said that it has to work because he is trying to keep the family together. Mr. Chorney asked why the apartment needs to be handicapped accessible and Mr. Iezzi replied for his mother.

Mr. Chorney asked what the hardship is for the request to go from the allowed 600 square feet to 875 square feet. Mr. Iezzi said the hardship is the number of occupants who will be living in the apartment and his niece is 13 years old and she will need some privacy. He also explained that his mother and brother would like to have as much livable area as possible.

Ms. Dove asked where his mother is living now. Mr. Iezzi said that she owns a two family home that is too big for her to maintain. His brother and niece live with his mother on the first floor.

Mr. Chorney asked if the addition would be hooked into the septic system. Mr. Iezzi explained that the addition would be hooked up to the public sewer system.

Mr. Chorney asked if there were any comments in favor or against the application. There was none.

Mr. Iezzi stated that he submitted seven letters from neighbors in favor of the application.

Mr. Chorney closed the Public Hearing.

B. Regular Meeting

a. Discussion and voting on Public Hearing items.

12-6566

This item is tabled until the July 19, 2012 meeting

12-6468

Mr. Reynolds made the motion to approve Application 12-6468. Ms. Carroll seconded the motion. Mr. Reynolds said that the applicant's family situation and wanting to keep them all together is honorable. He also noted that because there will be three people living in the accessory dwelling the addition being requested is not that big. Mr. Chorney stated that the family situation is unique and the square footage being requested is needed. ***The motion passed unanimously.***

b. Approve Minutes of May 17, 2012

Mr. Reynolds said that on page 8 under application 12-6467, the last sentence should read: Mr. Nelson stated that hardship is the location of the property and that the applicant is asking for a minor variance of 40 feet to allow 110 feet where 150 feet of frontage is required.

Mr. Reynolds made the motion to approve the minutes of May 17, 2012 as amended. Ms. Dove seconded the motion. Mr. Reynolds, Ms. Dove and Mr. Chorney voted in favor of the motion. The motion passed.

c. Old Business

Mr. Houlding made the motion to enter into executive session. Mr. Nelson seconded the motion. The motion passed unanimously.

Mr. Holding made the motion to exit out of executive session. Mr. Nelson seconded the motion. The motion passed unanimously.

Ms. Masi advised the Commission that she continues to work with the Litter Enforcement Officer for A-frame signs. She also explained that she will be contacting businesses about banner signs.

d. New Business

The Commission discussed with the Planning Staff how the Town is dealing with property blight.

e. Adjournment

Mr. Reynolds made the motion to adjourn. Ms. Dove seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:20 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission