

MINUTES OF JULY 8, 2019 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS

The meeting was called to order at 5:31pm by Chairman John Harris

Regular members present - John Harris, Raymond Ganim, Charles Lynch and Victor George

Regular member absent - Maureen Williams

Alternate members present - Dr. Mitchell Greenberg

Alternate members absent - Tom Dollard and Scott Charmoy

For the record: - Dr. Mitchell Greenberg was appointed to vote in place of Maureen Williams

1. Appointments: None

2. Public Hearing: **Z-19-5282--04, for David K. and Susan H. Dellenbaugh, 45 Kellers Farm Road, Easton, CT,** for a variance of Article 5, Sect./Para. 5.5.4 of the Easton Zoning Regulation to allow for the finishing of 65% of the 3rd story floor area of the attic which is more than 50% of the second floor. Present at the meeting was David and Susan Dellenbaugh. David Dellenbaugh presented the application for variance and stated that the addition was completed prior to their purchase of the house. Mr. Dellenbaugh stated that he was asked to do three things by the Town.
1. Install egress windows; approval by Building Official was submitted.
 2. Submit a B100 plan for the dwelling; it was submitted.
 3. Apply for a variance.

Discussion was held regarding the request for a variance and it was noted that this dwelling had a Gambrel style roof which created more living area on the 3rd floor. No one from the public spoke. The public hearing was closed.

Motion was made by Charles Lynch, seconded by Dr. Mitchell Greenberg, to grant the application for variance as the addition to the dwelling was pre-existing non-conforming with no further encroachment on the setbacks, and the addition was completed prior to the purchase by the current owner and strict adherence would result in exceptional or unusual hardship. The Easton Zoning Board of Appeals noted in its decision that the current owner installed the required egress windows on the third floor and submitted a B100 plan for their septic system for the additional two bedrooms that were created. The vote was unanimous, 5-0, motion carried.

Z-19-5315-05, for Adam Tardif, 49 Flat Rock Road, Easton, CT, for a variance of Article 5, Sect./Para. 5.4.1 of the Easton Zoning Regulations to allow for the addition of a Sunroom and covered terrace, 28' in-lieu-of 40' rear yard setback and 71'10", in-lieu-of 75 feet from the center of Flat Rock Drive. Present at the meeting was the owner Adam Tardif with his young son. Also present at the meeting was the applicant, Rob White, Architect, for this addition. Mr. White presented the application for variance. Mr. White submitted two items for the record:

1. Four letters of support for the project by surrounding neighbors: Margaret Matyia, 44 Flat Rock Road; Carol J. and Frank T. Festa, 55 Flat Rock Road; Christopher Griffin, 9 Flat Rock Drive; Jeffrey Lamaker, 45 Flat Rock Road.

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2. Public Hearing: **Z-19-5315-05, for Adam Tardif, 49 Flat Rock Road** (continued)
 2. Four pictures of the house: Two pictures of the rear of house, one picture of the rear yard and one picture of the septic cover in the patio of the yard.

Mr. White stated that his client was proposing to add family living space and a covered outdoor space to the dwelling and stated that the hardship was that the house was built in 1936 and that the lot is non-conforming (.51 acres in a one acre zone). Mr. White also stated that the property was a corner lot with two front yards and that they would only be violating only the 75' setback, not the 50' setback on Flat Rock Drive. Mr. White stated that there would be impact on the septic system for any addition forward and that currently there was no mudroom, you come directly into the kitchen. Mr. Tardif stated that he had moved into the house in December and that there were different grade elevations to the property. A question was asked about the access to the basement from the hatch to be eliminated by the proposed addition. Mr. Tardif stated that there was a stair from the kitchen which goes into the basement.

Discussion was held regarding the position of the house built in 1936 on the property. Discussion was held regarding the prior variance that was granted on the property; it was noted that it was granted because there would be no further encroachment into the setbacks. It was noted that the proposed addition would create a new non-conformity. No one from the public spoke. The public hearing was closed.

Motion was made by Raymond Ganim, seconded by Charles Lynch, to approve the application for variance hardship being that the subdivision that created it predates zoning and that proposed addition creates a small encroachment into the rear and side yard which is not significant and has the support of the neighbors.

Board Member Dr. Mitchell Greenberg stated that he did not believe that the owner had considered all the alternatives. It was noted that there was a pool in a conforming location on the property and that there were other alternatives such as using the garage area for living area. Dr. Greenberg stated that there is no obligation for the Board to approve the expansion of a house into the setbacks, otherwise everyone would be coming in seeking a variance. He noted that people fill in pools all the time.

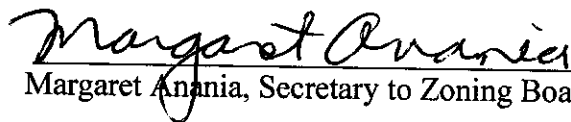
After discussion, the vote was only two in favor, Victor George and Charles Lynch. Therefore, the application for variance was denied as it did not receive the requisite four votes.

3. Minutes: Minutes of June 3, 2019 Easton Zoning Board of Appeals Meeting.

Motion was made by Charles Lynch, seconded by Victor George, to approve the minutes for the Easton Zoning Board of Appeals June 3., 2019. In addition to the two members making the motion, John Harris voted, as they were the only ones who attended that meeting. The vote was unanimous, 3-0, motion carried.

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4. Old Business: A motion was made by Raymond Ganim, seconded by Dr. Mitchell Greenberg, to add to the agenda the discussion of the 2019 Calendar of Meetings posted for the Easton Zoning Board of Appeals. The vote was unanimous, 5-0, motion carried. It was noted that the 2019 Calendar for the Easton Zoning Board of Appeals indicated that the September 2019 meeting was on a Wednesday, September 9. September 9, 2019 is a Monday. The Chairman noted that he could not attend this meeting on Monday and suggested that it be switched to Wednesday, September 11, 2019. Charles Lynch stated that he would be away in August and September. Motion was made by John Harris, seconded by Dr. Mitchell Greenberg, to change the September meeting to Wednesday, September 11, 2019, Conference Room A, Easton Town Hall, 225 Center Road, Easton, CT, at 5:30pm. The vote was unanimous, 5-0, motion carried.
5. New Business: Victor George wanted to note that Dr. Mitchell Greenberg would be leaving the Board after 38 or 39 years. Dr. Mitchell Greenberg stated that he expected to close on the sale of his house July 12, 2019 and that this probably would be his last meeting.
6. Meeting Adjourned: Motion was made by Mitchell Greenberg, seconded by Victor George, to adjourn the meeting at approximately 6:30PM. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Secretary to Zoning Board of Appeals