

MINUTES OF APRIL 5, 2021 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING

The meeting was called to order at 5:33pm by Chairman John Harris

Regular members present - John Harris, Victor George James
Wright and Stephanie Christie

Regular member absent - Raymond Ganim

Alternate members present - Thomas Dollard, Charles Lynch and Scott Charmoy

For the record: - The Chairman appointed Tom Dollard to vote for
Raymond Ganim, who was absent. James Wright recused
himself on the first application; Charles Lynch was
appointed by the Chairman to vote in his place.

1. Appointments: None

2. Public Hearings:

Z-21-5527-02, Meaghan and Robert J. Morganti, 194 Morehouse

Road, Easton, CT, for a variance of Sections 3530 and 7140 of the Easton Zoning Regulations to allow for the construction of an attached 2 car garage with 1 bedroom and 1 bath above, 40.5' in-lieu-of 50' front yard setback and 60.3' in-lieu-of 75' from the center of Morehouse Road, on a pre-existing non-conforming dwelling. Present at the meeting was Meaghan and Robert J. Morganti. Mr. Morganti presented the application and stated that the proposed 2 car addition kept the existing non-conformity with no additional encroachments on setback requirements. He stated that the house was pre-existing non-conforming with no garage; parking is on the existing driveway. He further stated that there was rock ledge on the property and that due to the septic area, this was the only place for the garage. No one from the public spoke for or against the application. Motion was made by Stephanie Christie, seconded by Victor George, to grant the application for a variance, **Z-21-5527-02, Meaghan and Robert J. Morganti, 194 Morehouse Road, Easton, CT**, for a variance of Sections 3530 and 7140 of the Easton Zoning Regulations to allow for the construction of an attached 2 car garage with 1 bedroom and 1 bath above, 40.5' in-lieu-of 50' front yard setback and 60.3' in-lieu-of 75' from the center of Morehouse Road, based on the fact that the proposed garage attached to the house, with a proposed 1 bedroom and 1 bath above, is being attached to a pre-existing non-conforming dwelling and the proposed garage will encroach less than the existing non-conformity for the dwelling in the front setback and will not violate any other setback requirements. It was noted that there was considerable rock ledge on the property and that there would be no adverse effect on neighboring properties. Strict adherence to the Easton Zoning Regulations would result in exceptional or unusual hardship. The vote was unanimous, 5-0, motion carried.

3. Review and Approve: Regular Meeting Minutes of the Easton Zoning Board of Appeals for January 6, 2020. Motion was made by Thomas Dollard, seconded by James Wright, to approve the minutes for the Easton Zoning Board of Appeals January 6, 2020, as presented, The vote was unanimous, 5-0, motion carried. James Wright was now voting for himself. Tom Dollard was voting for Ray Ganim.

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For the benefit of those who might have missed the public notice, the Chair announced that the item concerning 59 Tranquility Drive had been rescheduled from April 5, 2021 to May 3, 2021, to be held at 5:30pm, at the Samuel Staples Elementary School, 515 Morehouse Road.

4. Old Business: None

5. New Business: None

2. Continuation of Public Hearings:

Z-21-5546-03, Matthew M. and Jennifer N. Modafferi, 29 Ridgeway, Easton, CT, for a variance of Sections 3530 and 7140 of the Easton Zoning Regulations to allow for the conversion of garage to living space; relocate kitchen; add 2nd floor bedroom, bath, closet addition and add mudroom/ rear entrance, 17' in-lieu-of 40' side yard setback, on a pre-existing non-conforming dwelling. Present at the meeting was Jennifer Modafferi who presented the application. She submitted two Google Earth pictures of her property and two additional letters of support from her neighbors. John Harris submitted an e-mail from the Easton Health Officer, Eren Ceylan. Ms. Modafferi stated that the garage conversion with master bedroom, bath and closet above were using the existing footprint and that there was a small mudroom addition off the rear of the pre-existing non-conforming dwelling. She stated that the house was built in 1936 and that they were trying to preserve the historic and architectural integrity of the house. It was noted that a B100a would need to be submitted.

The following additional items were noted for the record:

1. Google Earth pictures coming from the front.
2. Google Earth pictures coming from the rear.
3. Letter of support from neighbor, Beth Andrews, 40 Ridgeway.
4. Letter of support from Ryan and Stephanie Foley.
5. Letter of support from neighbors, Bill and Lisa Mellen, 26 Ridgeway.
6. E-mail from Eren Ceylan to John Harris dated 3/22/21 with update on 29 Ridgeway

No one spoke for or against the application from the public.

Motion was made by Victor George, seconded by Stephanie Christie, to grant the application for variance, **Z-21-5527-02, Meaghan and Robert J. Morganti, 194 Morehouse Road, Easton, CT,** for a variance of Sections 3530 and 7140 of the Easton Zoning Regulations to allow for the conversion of garage to living space; relocate kitchen; add 2nd floor bedroom, bath, closet addition and add mudroom/ rear entrance, 17' in-lieu-of 40' side yard setback, on a pre-existing non-conforming dwelling,

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2. Continuation of Public Hearings:

Z-21-5546-03, Matthew M. and Jennifer N. Modafferi, 29 Ridgeway (continued)
the approval of this variance is based on the fact that the proposed conversion of the existing garage into living space with a proposed addition of 1 bedroom, bath and closet above, and a mudroom rear entrance, is being attached to a pre-existing non-conforming dwelling and the proposed changes will not further encroach on the existing non-conformity in the side setback. It was further noted that the property is located on a narrow lot, less than the required 200 feet of width, the existing garage is unusable for the size of cars today, the proposed additions will not violate any other setback requirements and there would be no adverse effect on neighboring properties. It was also noted that a prior variance had been granted for this property, respecting the 17' setback, and strict adherence to the Easton Zoning Regulations would result in exceptional or unusual hardship. The vote was unanimous, 5-0, motion carried.

Z-21-5547-04, Matthew M. and Jennifer N. Modafferi, 29 Ridgeway, Easton, CT,
for a variance of Section 3530 of the Easton Zoning Regulations to allow for the construction of a detached, one-story, two car garage, 17' in-lieu-of 40' side yard setback. Attorney Jaqueline Olschan Kaufman, of Carmody, Torrance, Sandak and Hennessey LLP, Stamford, CT, presented the application and stated that the house had been built in 1936 pre-zoning. Attorney Kaufman reviewed the history of the property noting that the opposite (western) side of the property was encumbered by a driveway easement. Attorney Kaufman noted that a previous variance had been granted for the property, respecting the 17' setback on the driveway (eastern) side. Attorney Kaufman also noted that the existing garage was not built to today's standards, and would need to be replaced as a result of the previous application, Z-21-5546-03, being approved. Attorney Kaufman cited the court case: Weber v. Town of Ridgefield Zoning Board of Appeals, which she submitted for the record. Attorney Kaufman referred to the pictures submitted with application Z-21-5546-03, and referred to the historic and architectural integrity of the property. She stated that the hardship was based on the location of the pre-existing non-conforming house and driveway and that the proposed garage will not further encroach on the existing non-conforming 17' setback of the house. Attorney Kaufman also stated that the garage location was chosen due to the location of the septic, the location of the driveway and the narrowness of the property.

No one from the public spoke for or against the application.

The public hearing was closed.

The Board discussed that a B100a was not submitted and that it was necessary to prove that the proposed garage did not infringe on the septic area. Discussion was held as to whether the Board could approve a new non-conformity.

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2. Continuation of Public Hearings:

Z-21-5547-04, Matthew M. and Jennifer N. Modafferi, 29 Ridgeway (continued)

Motion was made by Stephanie Christie, seconded by Tom Dollard, to reopen the public hearing. The vote was unanimous, 5-0, motion carried.

Attorney Kaufman stated that that this property had an unusual hardship and that it was in keeping with the Town Plan of Conservation and Development and the neighborhood. Attorney Kaufman again cited the court case: Weber v. Town of Ridgefield Zoning Board of Appeals, and went through the particulars of that case which were similar to this property.

The public hearing was closed.

Motion was made by James Wright, seconded by Stephanie Christie, to grant the application for variance, Z-21-5547-04, Matthew M. and Jennifer N. Modafferi, 29 Ridgeway, Easton, CT, for a variance of Section 3530 of the Easton Zoning Regulations to allow for the construction of a detached, one-story, two car garage, 17' in-lieu-of 40' side yard setback, with the condition that a B100a survey is submitted to the Health Department showing that the proposed location does not conflict with the septic system. The approval of this variance is based on the fact that the proposed garage will not further encroach on the existing non-conformity for the pre-existing non-conforming dwelling in the side setback, is located on a narrow lot, less than the required 200 feet of width, the proposed garage will utilize the existing driveway with no further encroachment on the side setback, other alternatives were considered but were deemed unacceptable, and based on the fact that the previous variance for the conversion of the garage to living space, Variance Application Z-21-5546-03, was granted. It was noted that a prior variance had been granted for the property respecting the 17' setback, there would be no adverse effect on neighboring properties and that the proposed garage would be in harmony with the neighborhood and would preserve the historic and architectural features of the pre-existing non-conforming dwelling. Strict adherence to the Easton Zoning Regulations would result in exceptional or unusual hardship. The vote was unanimous, 5-0, motion carried.

6. Meeting Adjourned: Motion was made by Victor George, seconded by Stephanie Christie, to adjourn the meeting at approximately 7:45PM. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Secretary to Zoning Board of Appeals