

MINUTES OF APRIL 6, 2015 MEETING FOR THE
EASTON ZONING BOARD OF APPEALS

The meeting was called to order at 5:36pm by Chairman John Harris.

Regular members present - John Harris, Dr. Mitchell Greenberg, Charles Lynch,
Patricia Berlin and Victor George

Alternate members present - Raymond Ganim

Alternate members absent - Gregory Alves and Thomas Dollard

1. **Appointments:** None

2. **Public Hearings:** Application by Dorothy D'Amato, 22 Laskay Drive Easton, CT, requesting two variances of Article 5, Sect./Para. 5.4.1 of the Easton Zoning Regulations: (1) for the reduction of the existing non-conforming side yard setback of 37.2 feet to 12.2 feet for the garage on the property and (2) for a reduction of the side yard setback for the residence on the property from 40 feet to 39.8 feet to comply with a court stipulated transfer of real estate.

Application by Ethel L. Swanson, 28 Laskay Drive, CT, requesting a variance of Article 5, Sect./Para. 5.1.3 of the Easton Zoning Regulations to allow the inclusion of the area of the accessway to maintain the minimum lot area, after an equal exchange of property, which will create fee ownership of the accessway.

Present at the meeting was Glen Swanson for Ethel Swanson and Caren Laskay for Melba Laskay.

The Chairman read the legal notice for the two public hearings into the record and stated that the public hearings would be held simultaneously as they were both connected by a Court Stipulated Agreement.

Attorney Robert Nicola presented the application and recounted the history of how the property was created. Attorney Nicola noted that there was an error in the original deed to the Swanson property as the access described came across a nearby property, the LaValle property, with no access to Laskay Drive. Attorney Nicola stated that these variances were necessary to correct a mistake at the time the Laskay property was subdivided as the intended right-of-way area did not reach the area intended. Attorney Nicola submitted a letter from Mr. And Mrs. LaValle dated April 1, 2015 which the Chairman noted for the record. Attorney Nicola further noted that after two years of litigation this stipulated agreement was ordered by the court, subject to local regulations, which resulted in the applications for variances.

Discussion was held that there was no need for an application for variance for 28 Laskay Drive due to Laskay Drive not being a public road or highway.

When asked by the Board or by Attorney Nicola, Mr. Glen Swanson provided information related to the history of these properties. No one else from the public spoke. The public hearing was closed.

MINUTES OF APRIL 6, 2015 MEETING FOR THE
EASTON ZONING BOARD OF APPEALS

3. **Decision:** Motion was made by Dr. Mitchell Greenberg, seconded by Patricia Berlin to grant the variance to the Easton Zoning Regulations for Article 5, Sect./Para. 5.4.1 in order to allow for a court stipulated transfer of real estate, resulting in: (1) the reduction of the existing non-conforming side yard setback of 37.2 feet to 12.2 feet for the garage on the property and (2) the reduction of the side yard setback for the residence on the property from 40 feet to 39.8 feet, as described further in the "Stipulated Agreement" dated November 12, 2014 and consistent with a map entitled "Equal Area Exchange Survey Map Prepared for Ethel L. Swanson, 28 Laskay Drive" and considering the unusual and unique circumstances of the property. After a brief discussion the motion was amended by Dr. Mitchell Greenberg, seconded by Patricia Berlin, to add the following statements:

1. The error in the original deed for the Swanson property created a problem with access to the property, which was not self- created, resulting in a situation which required a court stipulated agreement.
2. The new setbacks being created, (1) the reduction of the existing non-conforming side yard setback of 37.2 feet to 12.2 feet for the garage on the property and (2) the reduction of the side yard setback for the residence on the property from 40 feet to 39.8 feet, are the result of the court stipulated agreement.
3. The variance is conditioned on the recording of a new map describing the court stipulated access as well as other documents which are required.
4. In no way does the granting of this variance acknowledge that either structure can further encroach on the required setbacks.
5. This parcel of land is unique as it is located on a privately owned street, and the granting of this variance does not generally affect the surrounding properties.

The Board found that the application for variance for 28 Laskay Drive was deemed unnecessary due to Laskay Drive not being a public road or highway.

The vote was unanimous, 5-0, motion carried.

4. **Minutes:** Minutes for January 7, 2015

Motion was made by John Harris, seconded by Charles Lynch, to approve the minutes for January 7, 2015 as amended. Under Item number 2., the 8th line, delete "the existing non-conforming" and put a period after encroach. The vote was unanimous, 4-0, motion carried. Raymond Ganim voted; Patricia Berlin and Victor George did not vote as they were not present at that meeting.

5. **New Business:** The Chairman noted Section 128-2 Officers of the Easton Town Ordinance, "Except as otherwise provided herein, each board and commission shall elect annually in the month of January from its members a Chair, a Vice Chair and a Clerk.". Motion was made by Patricia Berlin, seconded by Raymond Ganim, to appoint John Harris as Chair. John Harris recused himself. The vote was unanimous, 5-0, motion carried. Motion was made by John Harris, seconded by Victor George, to appoint Patricia Berlin as Vice-Chair. Patricia Berlin recused herself. The vote was unanimous, 5-0, motion carried.

MINUTES OF APRIL 6, 2015 MEETING FOR THE
EASTON ZONING BOARD OF APPEALS

6. **Meeting Adjourned:** Motion was made by Victor George, seconded by Patricia Berlin, to adjourn the meeting at approximately 7:00PM. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Recording Secretary