

**TOWN OF WINDSOR  
ZONING BOARD OF APPEALS**

**Regular Meeting  
September 19, 2007**

Approved Minutes

**PRESENT:** Chairwoman Fran Rothenberg, Secretary Helene Shay, Commissioners Thomas Ferranti, Joseph Breen, Max Kuziak, Alternates Loretta Raney and Roseanne Lombardo

**EXCUSED ABSENCE:** Alternate Milo Peck III

The Meeting was called to order at 7:00 P.M. by Chairman Rothenberg in the Council Chambers of Town Hall, 275 Broad Street, Windsor, Connecticut.

**ESTABLISHMENT OF QUORUM:**

Chairman Rothenberg announced the five board members who were present. Alternates were not appointed.

**CALL TO ORDER – PUBLIC HEARINGS:**

**LEGAL NOTICE:**

The Legal Notice submitted by Helene H. Shay, Secretary, which appeared in The Hartford Courant on Sept. 6<sup>th</sup> and 13<sup>th</sup>, 2007 was read by Commissioner Alternate Raney.

- #07-05 63 Stagecoach Rd. – Section 4.5.13A(1) Flag lot front setback
- #07-06 181 Birchwood Rd. – Section 4.1.1 Rear yard setback variance
- #07-07 141 Hayden Station – Section 4.1.1 Front yard variance
- #07-08 3 Huckleberry Road – Section 4.1.1 Front yard variance
- #07-09 344 W. Wolcott Ave. – Appeal Section 4.4.5 Commercial Vehicle
- #07-10 17 Cooper Circle – Appeal Section 4.4.5 Commercial Vehicle

**PROCEDURES:**

Secretary Shay read the procedures for presentation of an application and appeal. She then queried the audience for any questions regarding the procedures which were read. Hearing no comments, Chairman Rothenberg declared the hearings proceed.

**PUBLIC HEARINGS:** #07-05 63 Stagecoach Rd. – Section 4.5.13A(1) Flag lot front setback

**DISCUSSION:**

Matthew and Lorraine Marci explained the need for expand the living area in their home to accommodate their family needs, including 2 aging parents. They wish to convert the existing 2 car

garage into living area and add on a 3 car garage. Because of wetlands and earlier mistakes made by previous owners, architects, or engineers, the lot and structure are non-conforming. As a result of errors, a land swap occurred giving the encroaching neighbor a piece of property and the town gave the Marci's a piece of property. A three car garage is not unusual in this neighborhood.

Martin Noreika, 59 Stagecoach Rd. spoke in favor of the variance. He is the neighbor most affected.

David and Stacey Chambers, 64 Stagecoach Rd. sent a letter of support.

Thomas & Helen Yusko, 65 Stagecoach sent a letter saying they were not in favor of the variance.

**PUBLIC HEARINGS:** #07-06 181 Birchwood Rd. – Section 4.1.1 Rear yard setback variance

**DISCUSSION:** Patty Stamper and her son Paul spoke concerning the need for more space in the small, existing non-conforming home her husband purchased in 1985. The house was originally built in 1930 as a summer cottage. The Stamper's have modernized and raised the roof line upwards to accommodate their twin boys. The lot size is only .17 acre. There is an existing 6 foot wide unsafe deck cantilevered off the back of the house. They would like to rebuild and expand the deck to the rear. They would like to increase the existing non-conformity for a total of a 12 ft. variance. The size of the lot, proximity to the Farmington River is the hardship. It was noted in staff comments by the town planner that a variance would be necessary for the maximum lot coverage as well as the variance for a rear setback.

**PUBLIC HEARINGS:** #07-07 141 Hayden Station – Section 4.1.1 Front yard variance

**DISCUSSION:** Thomas McCue, 1 Austin Brook Dr., E. Granby, CT 06026 spoke as the applicant. Vincent A. Carlson, his father in-law, is the owner of the property. Mr. McCue would like to build a home for his son. Because of wetlands near the property, the Wetlands Commission has requested that he build the house 10 feet closer to the front yard, requiring a 10 ft. variance.

Mr. McCue was unaware that a variance would also be needed for the minimum lot size. The lot was an approved building lot but a piece was taken by the state/town for reconstruction of Hayden Station road in 1999. He will return to the ZBA Commission for that variance next month.

Mr. and Mrs. Deresienski, 128 Hayden Station spoke against the variance. They are opposed to having a raised ranch across from their historic home.

Mr. McCue replied that he and his sons did not particularly like a raised ranch either. The wetlands gave them no choice as a basement would not be allowed. He says that there are other raised ranches in the area and that they would not be removing any trees. The view from across the Deresienski home would be obstructed by trees.

**PUBLIC HEARINGS:** #07-08 3 Huckleberry Road – Section 4.1.1 Front yard variance

**DISCUSSION:** Edward P. Johnson, 97 Dibble Hollow, Windsor Locks, Ct is the owner and developer of homes in Huckleberry Heights. He has built 7 homes in the subdivision and passed around pictures of the house in question. A mistake was made somewhere in the original engineering or layout of the foundation. To rectify the situation now would destroy the roofline and beauty of the house.

**PUBLIC HEARINGS:** #07-09 344 W. Wolcott Ave. – Appeal Section 4.4.5 Commercial Vehicle  
#07-10 17 Cooper Circle – Appeal Section 4.4.5 Commercial Vehicle

**DISCUSSION:** A discussion as to the status of the change in the regulation was had. ZEO McKinney stated that the change was on the agenda for the TP&Z. It was on last months agenda but because of the volume of work at the TP&Z meeting, they were unable to discuss and enact the change.

**CLOSE OF PUBLIC HEARINGS:**

Chairman Rothenberg CLOSED the Public Hearing.

**COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application** #07-05 63 Stagecoach Rd. – Section 4.5.13A(1) Flag lot front setback

**MOTION:** Commissioner Ferranti made a motion for purposes of discussion to approve the application #07-05 63 Stagecoach Rd. – Section 4.5.13A(1) Flag lot front setback request for a 20' front setback on a flag lot; a total variance of 60' to construct a 3 car garage.

Commissioner Breen seconded the motion.

**DISCUSSION:** Commissioner Ferranti spoke in favor of the variance, citing mistakes made in the original documentation of the property and the wetlands. Commissioner Breen spoke against the variance. He does not feel a hardship has been shown. Secretary Shay spoke in favor stating that the land and topography is the hardship and that a 3 car garage in conformance with the neighborhood.

**VOTE:** 4-1-0

In favor of the motion to approve application #07-05 63 Stagecoach Rd. – Section 4.5.13A(1) Flag lot front setback request for a 20' front setback on a flag lot; a total variance of 60'

**COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application** #07-06 181 Birchwood Rd. – Section 4.1.1 Rear yard setback variance

**MOTION:** Commissioner Kuziak made a motion to table the application for one month to allow the applicant to apply for this variance as well as the variance needed for maximum coverage of the lot at one time.

Commissioner Breen seconded the motion.

**DISCUSSION:** The Commission was in agreement that the applicant should return and request both variances together.

**VOTE:** 5-0-0

In favor of tabling the motion at no cost to the applicant for one month.

**COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application #07-07 141 Hayden Station Section 4.1.1 Front Yard Variance**

**MOTION:** Commissioner Ferranti made a motion for purposes of discussion to approve the application #07-07 141 Hayden Station Section 4.1.1 Front Yard Variance in the amount of 3' on the north side of the property, allowing construction within 37' of the front property line.

Commissioner Breen seconded the motion.

**DISCUSSION:** Commissioner Ferranti spoke in favor. The Wetlands Commission sent the applicant to the ZBA to protect wetlands. There are extenuating circumstances as a part of the front of the lot was taken for the reconstruction of Hayden Station Rd. in 1999. Commissioner Breen also cited the property line in the road taking and the wetlands as the legal hardship.

**VOTE:** 5-0-0

**COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/Application #07-08 3 Huckleberry Road – Section 4.1.1 Front yard variance**

**MOTION:** Commissioner Breen made a motion for purposes of discussion to approve the Section 4.1.1 Front Yard Variance in the amount of 4' allowing construction within 36' of the front property line.

Commissioner Kuziak seconded the motion.

**DISCUSSION:** Commissioner Breen spoke in favor. The location of the porch does not have major impact on the large corner lot. The location was an honest mistake. The developer does not have a habit of making these types of mistakes.

**VOTE:** 5-0-0

**PUBLIC HEARINGS: #07-09 344 W. Wolcott Ave. – Appeal Section 4.4.5 Commercial Vehicle  
#07-10 17 Cooper Circle – Appeal Section 4.4.5 Commercial Vehicle**

**MOTION:** Motion was made by Secretary Shay, seconded by Commissioner Breen to table appeals #07-09 and #07-10 until such time as the Town Planning and Zoning Commission revises the current Commercial Vehicle Section 4.4.5. Commissioner Kuziak was against tabling the appeals.

**VOTE:** 4-1-0

**COMMENCE REGULAR BUSINESS MEETING/2. New Business/b. Communications from the Public**

A letter sent to Chairwoman Rothenberg dated May 17, 2007 from Victoria Wentworth, 21 Spring St., was read into the record. (letter attached)

**COMMENCE REGULAR BUSINESS MEETING/2. New Business/c. Minutes Acceptance – May 16, 2007**

**MOTION:** Commissioner Breen made a motion, seconded by Commissioner Ferranti, to **APPROVE the Minutes of the Regular Meeting May 16, 2007**

**VOTE:** In Favor: Unanimous

**COMMENCE REGULAR BUSINESS MEETING/2. New Business/d. Communications from Board Members**

None

**COMMENCE REGULAR BUSINESS MEETING/2. New Business/e. Communications from Staff Liaison**

None

**ADJOURNMENT:**

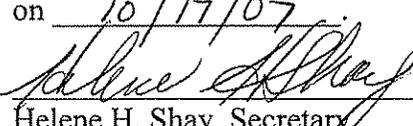
**MOTION:** Commissioner Breen made a motion, seconded by Alternate Lombardo, to **ADJOURN the meeting at 9:27 PM**

**VOTE:** In Favor: Unanimous

Respectfully submitted,

  
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Lori Hartmann, Recording Secretary

I certify that these Minutes were accepted

on 10/17/07  
  
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Helene H. Shay, Secretary  
Zoning Board of Appeals