

MINUTES

ZONING BOARD OF APPEALS

JANUARY 8, 2015

WATERFORD TOWN HALL

6:30 PM

Members Present: Chairman Joshua Friedman, Cathy Newlin, Peter Bendfeldt and Francisco Ribas
Alternates Present: Thomas Malley, Joseph Filippetti, Elizabeth Yother
Members Absent: Barbara Panciera
Staff present: Thomas Lane, Zoning Enforcement Officer and Carol Libby, Secretary

1. CALL TO ORDER/APPOINTMENT OF ALTERNATES

Chairman Friedman called the meeting to order at 6:34 PM and appointed J. Filippetti to sit for C. Newlin and T. Malley to sit for B. Panciera.

Alternate Filippetti was appointed to sit for regular member, C. Newlin as he was seated for the public hearing in December which was continued to the January 8, 2015.

2. APPROVAL OF THE DECEMBER 4TH, 2014 PUBLIC HEARING

MOTION: Motion made by J. Filippetti, seconded by T. Malley to approve the December 4th, 2014 meeting minutes as written.

VOTE: 5-0

3. CONTINUED PUBLIC HEARING

Application #ZBA-Z-14-7. Appeal of Aspasia Kanabis, owner at 93 Shore Road, R-20 Zone. Variance is requested from Zoning Regulation section 4.4.1, front yard required 50 feet, existing 45 feet, proposed 21 feet. Variance is needed to construct a new residential house with attached garage.

Chairman Friedman read the hearing notice into the record.

Attorney Kanabis, agent and Dave Reagan, builder came forward to present the variance request. Attorney Kanabis stated this application had been continued because he failed to send notification of the public hearing to the property owner of 95 Shore Road.

Attorney Kanabis stated the Zoning Board of Appeals had approved a similar application which was submitted on 12/6/01. They are asking to modify the variance which will be consistent with approved Conservation Commission Permit #14-9. The hardship associated with this parcel is the substantial wetlands on the property which restrict the buildable area.

Chairman Friedman questioned on three occasions if anyone present wished to speak in favor or opposition of the variance request.

Robert Edwards of 95 Shore Road stated he had concerns of more water draining onto his property due to the new construction. His lot is extremely wet and swampy throughout the year. He would like assurance that the new construction of the home will not flood his lot. He has no objection to the variance request and no issues with a garage being constructed but is just concerned of the wetlands.

D. Regan replied they are not proposing a full basement and no water will be shed onto Mr. Edward's property. Gutter drains will be installed to transfer drainage and any excess water from the development to the right side of the property away from Mr. Edwards's property. Also not have a full basement the proposed home will be approximately 2 feet above the ground and the drive way will consist of crushed stone.

N. Hicks of 85 Shore Road also expressed concerns of water flooding Mr. Edwards's property.

The Public Hearing closed at 6.45 PM.

4. APPLICATION REVIEW

Application #ZBA-Z-14-7. Appeal of Aspasia Kanabis, owner at 93 Shore Road, R-20 Zone. Variance is requested from Zoning Regulation section 4.4.1, front yard required 50 feet, existing 45 feet, proposed 21 feet. Variance is needed to construct a new residential house with attached garage.

MOTION: Motion made by F. Ribas, seconded by T. Malloy to approve the variance request with conditions.

CONDITIONS:

- An A-2 survey be provided and approved with the Zoning Compliance/Building approval process.
- A grading plan be provided and approved by a professional engineer.
- The site grading and roof drainage system installed shall be in compliance with Conservation Commission Permit CC-14-9 and discharge to the southerly side of the property

VOTE: 5-0

5. ELECTION OF OFFICERS

Chairman Friedman, C. Newlin, F. Ribas and P. Bendfeldt were present to vote on the election of officers.

Commission members discussed election of the Chairperson, Vice Chairperson and Secretary.

Chairperson

P. Bendfeldt made a motion to elect C. Newlin for the Chairperson

There was no second.

MOTION: Motion made by C. Newlin, seconded by F. Ribas to appoint J. Friedman as the Chairmen.

VOTE: 3-1, P. Bendfeldt opposed

Vice Chairperson

MOTION: Motion made by Chairman Friedman, seconded by C. Newlin to appoint F. Ribas as Vice Chairman.

VOTE: 4-0

Secretary

MOTION: Motion made by F. Ribas, seconded by J. Friedman to appoint C. Newlin as Secretary

VOTE: 3-1, P. Bendfeldt opposed

6. OLD BUSINESS

T. Lane informed the members of a class, CT Land Use Law for Municipal Land Use Agencies, Boards and Commissions is going to be held on 3/21/15 at the Wesleyan University in Middletown. F. Ribas, T. Malloy and E. Yother will be attending the conference.

7. ADJOURNMENT

MOTION: Motion made by C. Newlin, seconded by T. Malley to adjourn the public hearing at 6:58 PM.

VOTE: 5-0

Respectfully submitted,

Carol Libby
Secretary