

**DRAFT Minutes of August 17, 2016 ZBA Meeting**

Attendees: Regular Members: Carl Slusarczyk, Donald Schubert, Marisa Roy, Bruce Skivington, and Jason Cormier  
Alternate Members: William Francis, Jr. and Howard Steinberg

Also present: Andy Marchese, Zoning Enforcement Officer/Staff Liaison  
Debra Sterling, Recording Secretary

The meeting was called to order at 6:32 p.m. by Andy Marchese in his capacity as Staff Liaison, as a new Chairman needed to be elected prior to any Applications being heard, as shown on the Meeting Agenda.

Andy Marchese explained the procedure for voting either by paper ballot or show of hands. The five regular Members present voted unanimously to elect a new Chairman by show of hands. Andy Marchese asked if there were any nominations for Chairman. Carl Slusarczyk was nominated by the regular Members and he declined; Bruce Skivington was then nominated and he declined; Don Schubert was then nominated and he accepted. All regular Members voted by show of hands, and all voted unanimously to elect Don Schubert as the new Chairman.

The opening statement was then read by Don Schubert, new Chairman of the Board.

All Members of the Board introduced themselves.

Carl Slusarczyk, Board Secretary, read the agenda:

Application # ZBA-2016-005 - ROBERT GOLD, Applicant, seeking a Variance from the Vernon Zoning Regulations **Section 12.3.2 No portion of a parking area shall be located closer than ten (10) feet to the boundaries of the parcel to be used or to any highway right-of-way**, to allow a widened gravel driveway and parking area four (4) feet eight (8) inches from the northern side boundary line, on the property located at **102 Berkeley Drive**, in the R-27 Zone.

Application # ZBA-2016-006 - JOANNE RANKIN and JOHN WILLIAMS, Applicants, seeking Variances from the Vernon Zoning Regulations **Section 4.4.1.3 Minimum Front Yard Setback thirty (30) feet**, and **Section 4.4.1.4 Minimum Side Yard Setback ten (10) feet**, to allow the installation of a concrete pad and propane tank seventeen (17) feet from the southern front boundary line, and four (4) feet from the western side boundary line; further seeking a Variance from **Section 4.4.1.4 Minimum Side Yard Setback ten (10) feet**, to allow the installation of an air conditioning unit seven (7) feet from the western side boundary line; further seeking a Variance from **Section 4.4.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%**, to allow 39.5% lot coverage, on the property located at **129 Grier Road**, in the R-27 Zone.

Application # ZBA-2016-007 – SAYYED K. MEHMOOD, Applicant, seeking Variances from the Vernon Zoning Regulations **Section 12.3.2 No portion of a parking area shall be located closer than ten (10) feet to the boundaries of the parcel to be used or to any highway right-of-way**, to allow an additional eighteen (18) foot x thirty (30) foot parking area, eight (8) feet two (2) inches from the northern side boundary line; further seeking a Variance from **Section 4.4.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%**, to allow 47.6% lot coverage, on the property located at **18 Summit Road**, in the R-27 Zone.

The first Applicant, Robert Gold, was invited to come forward. Andy Marchese discussed the application with the Board stating that he, as the ZEO, received a complaint regarding the parking area created at 102 Berkeley Drive. He sent a violation letter to the owner and was contacted by Mr. Gold. Andy Marchese agreed to meet Mr. Gold on site. Mr. Marchese noted that Mr. Gold did not have the proper approvals to install the new parking area and it did not appear to have the proper setback of ten (10') feet to the side boundary line. Mr. Gold sought information from the Town Engineer, Dave Smith. Mr. Smith provided an e-mail to Mr. Marchese stating he did not believe this work would create any maintenance issues for DPW on the road way, nor a hazard to the public. Mr. Marchese read the e-mail into the record.

Mr. Gold explained to the Board, with the assistance of his neighbor, Alan Hannaford, that he was unaware that he needed any kind of permits and was trying to improve their parking situation as they were creating a mud pit. Mr. Hannaford stated he installed the parking area. Board Members questioned the material used to create the parking area and they were concerned it would wash out with heavy rains. Mr. Hannaford stated they used stone dust to compact the area and it should not wash out. Mr. Schubert questioned who the complaint came from and the owner stated he did not know. Mr. Marchese confirmed all abutters were notified.

No one in audience came forward to speak in favor or opposition of this Variance.

Don Schubert closed the hearing. Discussion was held between the Board Members.

Carl Slusarczyk made a Motion to Approve the Variance from Zoning Regulations Section 12.3.2 No portion of a parking area shall be located closer than ten (10) feet to the boundaries of the parcel to be used or to any highway right-of-way, to allow a widened gravel driveway and parking area four (4) feet eight (8) inches from the northern side boundary line, with the hardship being the owner was unaware of the procedure to install an additional parking area. Bruce Skivington seconded the Motion. Andy Marchese stated the hardship had to be on the land, and not that the owner was unaware; Carl Slusarczyk amended the hardship to lot configuration. Bruce Skivington seconded the Motion. All regular Members were in favor for a unanimous vote. Variance is granted.

The second Applicant, Joanne Rankin and John Williams, were invited to come forward. Mr. Williams came forward with Barry Clark of Gardner and Peterson, his representative. Joanne Rankin was not present. Andy Marchese discussed the application with the Board. He explained that the applicant purchased the lot having a small seasonal structure on it which the applicant wished to demolish and rebuild a single family home. Mr. Marchese explained each of the three variances requested.

Barry Clark began his presentation and held a “revised plan” before the Board. Note, the revised plan was not reviewed or given to any Board Member or to Mr. Marchese prior to the start of this meeting.

The meeting was stopped briefly at 6:53 p.m. by Mr. Marchese to announce for the record that alternate Member Howard Steinberg was now present.

Mr. Clark continued presenting the revised plan, and stated there were minor changes showing the house 4 feet lower than the garage, changes to retaining walls, and the owner wished the patio to be closer to the water; he stated the variances and coverage would be the same.

Carl Slusarczyk questioned the applicant and Mr. Clark about landscaping issues which appear to be over the property line. They indicated that the abutting owner was responsible for the landscaping over the line, trees were to be removed, and each owner would be responsible for their own landscaping up to the line.

Carl Slusarczyk, Howard Steinberg and Don Schubert questioned the applicant about percentage of lot coverage, concrete pad location and the proposed structure. Mr. Clark responded that the lot coverage would be the same, the concrete pad should not be closer due to plowing in winter and the applicant wished to build and reside in a year round residence.

No other questions from the Board. Don Schubert asked if anyone was present in favor of or in opposition to the Variances. Anne Letendre came forward in opposition.

Mrs. Letendre discussed the water quality of Bolton Lake, algae growth, and concern over warming of the water. She fails to see the hardship in this situation; the owner was aware at the time of purchase what the lot size was and what size house could be built. The Board would be setting a precedence if such an expansion was allowed which would prompt other owners to want to add on or build bigger additions. She felt this was excessive and posed environmental issues. She has received calls from other concerned neighbors and has heard negative comments; she stated she did not represent the other neighbors and was here to voice only her concerns; she did not have a petition.

Don Schubert and Andy Marchese discussed the upcoming wetlands meeting. Bill Francis sought an explanation from Mrs. Letendre about the water warming and environmental issues. Board Members discussed various matters related to septic/sewer hook-up, lot configuration etc.

Don Schubert questioned Barry Clark as to other properties along the lake and their sizes. Mr. Clark stated that many around Bolton Lake, as well as other lakes, are in excess of this; he stated the Lake lots cost so much that you can't afford to spend that much and have a little teeny house, you have to make it year round.

More discussion was had between the Board and Mr. Clark regarding septic and sewer hook-ups. Don Schubert asked if there were any other questions, there were not. Mr. Marchese confirmed all abutters were notified.

Andy Marchese stated to the Board that the Variances cannot be granted for financial gain, and must be taken under consideration in this case. The hardship had to be on the land.

Meeting was closed and discussion was held between the Board Members.

Bruce Skivington made a Motion to Approve the Variances from the Vernon Zoning Regulations **Section 4.4.1.3 Minimum Front Yard Setback thirty (30) feet**, and **Section 4.4.1.4 Minimum Side Yard Setback ten (10) feet**, to allow the installation of a concrete pad and propane tank seventeen (17) feet from the southern front boundary line, and four (4) feet from the western side boundary line; further seeking a Variance from **Section 4.4.1.4 Minimum Side Yard Setback ten (10) feet**, to allow the installation of an air conditioning unit seven (7) feet from the western side boundary line; further seeking a Variance from **Section 4.4.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%**, to allow 39.5% lot coverage, with the hardship being lot configuration. Carl Slusarczyk seconded the Motion. All regular Members were in favor for a unanimous vote. Variances are granted.

Andy Marchese asked Barry Clark for the revised plan so there is a record of what was approved.

The third Applicant, Sayyed K. Mehmood, was invited to come forward. Mr. Mehmood came forward with Susan Oliminski of the State of Connecticut, DDS Case Manager, and advocate to Mr. Mehmood's adult children. Andy Marchese discussed the application with the Board and explained the circumstances surrounding Mr. Mehmood's adult children who are disabled and lived in the home. Ms. Oliminsky described the adult children as being medically fragile and on ventilators, and are able to live at home with 24 hour medical care. However they needed regular ambulance transportation and an extension to the driveway was needed (a paved surface) in order to safely transport the children.

Andy Marchese discussed the proposed plan with the Board. Howard Steinberg questioned Andy Marchese about the width for access of emergency vehicles. Andy Marchese stated he did not regulate that and suggested those questions be addressed to the Fire Marshal.

Ms. Oliminski discussed the grant being given by the State and the amount of time in which it needed to be completed (must be done by September).

There were neighbors in the audience in favor of the Variances but they did not come forward to sign in, they only gave their approval from their seats. Mr. Marchese confirmed all abutters were notified.

No one else in the audience came forward to speak in favor of or in opposition of the Variances. Meeting was closed and discussion was held between the Board Members.

Carl Slusarczyk made a Motion to Approve the Variances from the Vernon Zoning Regulations **Section 12.3.2 No portion of a parking area shall be located closer than ten (10) feet to the boundaries of the parcel to be used or to any highway right-of-way**, to allow an additional eighteen (18) foot x thirty (30) foot parking area, eight (8) feet two (2) inches from the northern side boundary line; further seeking a Variance from **Section 4.4.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%**, to allow 47.6% lot coverage, with the hardship being lot configuration. Marisa Roy seconded the Motion. All regular Members were in favor for a unanimous vote. Variances are granted.

Next item on the agenda, review Draft Minutes of the March 16, 2016 meeting. Carl Slusarczyk made a Motion to approve the March 16, 2016 Minutes. Marisa Roy seconded the Motion. The four regular Members present at the March meeting (Carl Slusarczyk, Donald Schubert, Marisa Roy and Jason Cormier) were all in favor for a unanimous vote.

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Next item on the agenda, other business. Carl Slusarczyk stated that he wished to step down as the Secretary to the ZBA, but wished to continue his term as a regular Member. He has prepared a letter to the Mayor stating his intentions, and has requested that Andy Marchese and/or Deb Sterling forward the letter on his behalf. He will continue as the Secretary until the next scheduled meeting when a new Secretary will be voted in. There was no other business to discuss.

Bruce Skivington made a Motion to Adjourn the meeting. Marisa Roy seconded the Motion. All regular Members were in favor for a unanimous vote.

The meeting was adjourned at 7:33 p.m.

Submitted by:

  
Debra Sterling