

TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, JULY 27, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET

MINUTES

1. Call to Order

Chairman Thomas Tokarz called the meeting order at 7:05 PM.

2. Roll Call

Present: Chairman Thomas Tokarz, Vice Chair Christie Carpino, Shaun Sullivan, Ed Wengers, Alternates Jeffery Ramia, Stanley Stachura (arrived at 7:25 PM)

Also Present: BOS Liaison Ann Halibozek, Town Planner Craig Minor, Commission Clerk Sarah Voog

Absent: Kimberley Enowitch, Alternate Brian Fisk

3. Seating of Alternates

Ed Wengers made a motion to seat alternate Jeffery Ramia, 2nd by Christie Carpino. All in Favor, Motion Passed

4. Approval of Agenda

Christie Carpino made a motion to approve the agenda, 2nd by Shaun Sullivan. All in Favor, Motion Passed

5. Public Comments- None Present

6. Public Hearing:

a. Application #10-11: Variance from Article 8.1 (Minimum Frontyard) to construct a covered front porch with less than 40' of front yard at 1 Helena Drive. Steven and Kim Fritsch, owner/applicant.

Steven & Kim Fritsch of 1 Helena Dr presented the application. Steven Fritsch explained that snow and ice builds up in the area of the front door. He said that he is the Town's registrar for the soccer club and many people come to his home and he is afraid of someone slipping and falling, which is why they are asking for a variance to build a porch that is 6' deep across the front of the right side of his home. He also said they are asking for a covered porch because of the snow and ice buildup against the house. He stated that he tries very hard to keep the area free of ice and snow, but it is very hard as there is no real sun exposure on the front of the home. He said that the home is on a small dead end street with 5 homes and no neighbors have objected to the proposed porch. Thomas Tokarz asked if the applicant sent the required notices to the neighbors and both Craig Minor and Steven Fritsch said yes. Christie Carpino asked about the porch being 8' off the house and Craig Minor explained that is it 6' for most of the porch and 8' to the door that is set back. Craig Minor explained that when the house was built it conformed to the zoning requirement of 25' minimum frontyard setback, but since then the area has been rezoned and the minimum requirement is now a 40' setback, so the request is in addition to the house that is already too close to the road. Ann Halibozek of 7 Christian Hill Road and the BOS Liaison said that she went by the home and there is a very large pine tree

that blocks the sun from hitting the front of the house and she can see the safety issue that the applicant has indicated. She discussed the centerline of the road and the zone change. She said she is in support of an approval of the application due to safety reasons.

Christie Carpino made a motion to close the public hearing at 7:27 PM, 2nd by Shaun Sullivan.

All in Favor, Motion Passed

Christie Carpino made a motion to approve Application 10-11, 2nd by Ed Wenners.

Ed Wenners said that it is a unique neighborhood and he understands the ice issue and would be in favor of approval due to the hardship of safety. Thomas Tokarz said that there must be a land hardship for the board to approve the application. Jeffery Ramia said that he disagrees with the safety issue as the hardship, however he thinks that the ice build up against the foundation that is causing damage is the land hardship. He said the covered porch would mitigate the damage to the home by preventing the ice from freezing and sitting against the foundation, which can damage the home and deteriorate the value of the home and neighborhood. Thomas Tokarz stated that a majority vote of 4 members is required for an approval.

Chairman Tokarz called the question.

Vote: Yes: Christie Carpino, Ed Wenners, Shaun Sullivan, Jeffery Ramia

Abstain: Thomas Tokarz

6. Old Business:

- a. New procedure for filing ZBA applications
Discussion was held regarding the new procedure for ZBA applications. Commissioners expressed concern over having some kind of ZBA information available on the Town's website. Craig Minor said that he believes the new policy will help applicants with the presentation of their request. He explained that he is able to review the situation and in some cases help them to find the hardship they require for the Commission's approval. He said that he is available after hours if an applicant cannot meet with him during normal business hours. In response to the Commission's concerns Craig Minor agreed to put the application policy on the website with additional information that property owners that may want to file a variance need to make an appointment to meet with him prior to filing and that he is available for after hours appointments when needed.

7. New Business: None

8. Approval of Minutes:

- a. June 22, 2010

Christie Carpino made a motion to unseat Alternate Jeffery Ramia and to seat Alternate Stanley Stachura to vote on the Minutes, 2nd by Shaun Sullivan.

All in Favor, Motion Passed

Ed Wenners indicated that in two instances in the minutes his last name was spelled without an "S". He said he wanted it noted that his last name has an "S" at the end.

**Stanley Stachura made a motion to approve the minutes as amended, 2nd by Ed Wenners.
All in Favor, Motion Passed**

- 9. Adjourn
Thomas Tokarz closed the meeting at 7:50 PM.
All in Favor, Motion Passed**

Respectfully Submitted By

Sarah A. Voog, ZBA Commission Clerk