

TOWN OF NEWINGTON
ZONING BOARD OF APPEALS
CONFERENCE ROOM L101
131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111
MARCH 3, 2016

I. ROLL CALL

Comm. Igielski: Louis Califano

Chairman Califano: Present

Comm. Igielski: Paul Plavcan

Chairman Califano: Absent

Comm. Igielski: Willard Bechter

Comm. Bechter: Present

Comm. Igielski: Audra Ekstrom

Comm. Ekstrom: Present

Comm. Igielski: Nicole Pane

Comm. Pane: Present

Comm. Igielski: Timothy Hutvagner

Chairman Califano: Excused

Present:

Michael D"Amato
Zoning Enforcement Officer
and Assistant Town Planner

Chairman Califano: Before we begin, let me explain about how the ZBA meetings are run. There are two parts to the meeting. First is the public session where the petitioner will speak, give his name, address and comments on the petition and what the hardship is. After the petitions have been heard, anyone from the public may come up and speak for or against the petition. The public part of the meeting will then be closed and we will start our work session. The public may stay for the meeting but cannot make any comments. If the petitioner cannot stay for the work session, he can call the Building Department tomorrow and he will be given the answer to the outcome of the meeting. There are 4 regular commissioners here and we will have an alternate, Judy Igielski will be the full commissioner. You will need 4 of the 5 commissioners to vote for your petition in order for it to pass.

Chairman Califano: Will you please read the first petition.

A. PETITION 00-16-04 Heather and Eddie Irizarry of 49 Commonwealth Avenue requests a Variance of 10ft from the required 35ft of Newington Zoning Regulations Section 4.5 Concerning Front Yard Setbacks for residential uses in the R12 Zone to construct a deck with stairs. 48 Commonwealth Ave is located at the intersection of Putnam St and Commonwealth Ave. approximately 200 feet South of Trumbull St.

Chairman Califano: Will Heather or Eddie please step up. Try to speak up if you can because we don't have the mikes. Give your name and address.

Mr. Irizarry: My name is Eddie Irizarry of 49 Commonwealth of Newington requesting a variance of a 10ft setback for the house that was built back in the 1900's. It has a lot of angles and a lot of roof to it. It falls within the coding zones of the house, so we want to get it fixed with a setback and in this way we could actually put a deck with stairs.

Chairman Califano: Hardship.

Mr. Irizarry: The hardship is that the house was vacated for many years and we had to make it a safe house because the roof was low so we kind of raised it and wanted to put the dorm in front of the house where it hits the shoulders right now, so this way, I wanted it up to codes, the standards for these codes, the door that was here was small, very low and I wanted this actually a fire rated door and then that wall, we have to make that whole wall complete. There was a little porch there, we closed it to make the roof a little safer, make the house safer. We also wanted, in fact, we also wanted to actually kind of cover the stairs, so it doesn't look so...we wanted to make it presentable, not being out of place.

Chairman Califano: Questions from the commissioners. Are you going to build the deck...

Michael D'Amato: If you go to the site plan to see it, is that better?

Chairman Califano: Are you going to build the deck out this way?

Mr. Irizarry: Yes, I want to make it even with the hatchway. The hatchway is actually five feet, the hatchway right there, like I said, the house has a lot of angles on it so I don't want to add anymore angles to the house. I want to make it uniform so it would be even and it is going to go across to the end where you see the cement mixer, it is going to go a little past that because that right there now, where it is all level.

Chairman Califano: Is there going to be a cover over this deck?

Mr. Irizarry: No, I am thinking of putting an awning over the door, that's about it, there is not going to be any cover, just an awning so when you walk into the house and it is raining and snowing it is going to get all wet, so it would be something small, nothing big.

Comm. Richter: So you are going right next to the hatchway and coming out even with the hatchway?

Mr. Irizarry: I will be approximately a foot away from the hatchway, from the first pillar, the hatchway will be approximately a foot.

Chairman Califano: Any other questions? Judy.

Comm. Igielski: The window that is under the door, the basement window, that will stay there.

Mr. Irizarry: That is going to stay there, it is actually the cover when I do the deck, it's going to be under it and when I do it I am going to put some lattice, lattice on the corner of it, so you don't see the window, you don't see the stairs.

Cmm. Igielski: The window looks like it is too small for egress.

Mr. Irizarry: Yes, it is small.

Comm. Igielski: Is it locked or stationary.

Mr. Irizarry: It is a stationary window.

Comm. Igielski: It doesn't open.

Mr. Irizarry: It doesn't open, no. The basement of this house is very old.

Comm. Igielski: It's like a crawl space.

Mr. Irizarry: Yes.

Michael D'Amato: So the regulations allow for a porch projection specifically called a porch projection, but because of the way this house was built, the porch projection that they are allowed is used by the front, you can see here this front, their front stoop, the main entrance of the house is where the first porch projection was used up so he couldn't use the porch projection regulation to allow for the second egress. Like he said in his application, you can see up at the top here this property consists of four, there used to be four separate lots, which is why the house is built that way, to fill olot#95 which was a separate parcel, so when I met with him I decided to go over what his options were based on this. There was really very little that he could do with this property without needing some type of variance. Almost the whole house sits within the front and side setbacks, so from the town's perspective we don't have any real concerns. I worked with him to basically for the sole purpose of what he is looking for affirming what we talked about was the egress. That deck that is on the ground there is not attached to the house and it is going to remain there and he is not going to expand it.

Mr. Irizarry: No, I am not, I am just going to move it forward a little bit, but I am not going to expand it.

Chairman Califano: This here, this is all of your property, all of that.

Mr. Irizarry: Yes, it is, it is a corner lot.

Chairman Califano: Okay, Eddy, that's good.

Mr. Irizarry: Thank you.

Chairman Califano: Would you read the second petition, please.

Comm. Igielski: Petition 00-01-2016 Nohora Isabel and Iran Brugueras of 40 Cherry Hill Drive requests a hearing to appeal the decision of the Zoning Enforcement Officer in regard to a Notice of Zoning Violation of Section 3.22.1 for a commercial vehicle issued under the provisions of Section 7.1 of the Newington Zoning Regulations.

Nohora Isabel: My name is Nohora Brugueras and my husband is Iran Brugueras. I along with my husband and children reside at 40 Cherry Hill Drive in Newington and I am responding to the regulation specifically 3.22.1 which the town has considered our GMC Savannah a commercial vehicle based under criteria B. due to the fact that our vehicle has more than 2 square feet of signage affixed to the outside. I am contesting the violation for two reasons. The first one is that while the town considers that this is a commercial vehicle, that vehicle is my husband's personal vehicle. That vehicle is used for the sole purpose of getting my husband to and from work and if we look at the Connecticut state regulations on what constitutes a commercial vehicle, they are the following, and please keep in mind that if these are not met I cannot register these vehicles or nor can the DMV deem mine as a commercial vehicle. The vehicle with a road vehicle weight, weighing 26,000 lbs. or more and the vehicle cannot transport 16 or more passengers including the driver or if the vehicle is transporting 11 or more passengers including the driver and was used to transport students under the age of 21 years of age, so these are the statistics of our vehicle. Our vehicle's gross weight is 7100 lbs. and it is designed to transport 7 passengers including the driver. Furthermore, the vehicle does not transport anyone nor is used for rehabilitative services, its sole purpose again is for personal use and for family get a ways. We are not required, nor do we consent to a CDL license. The van is registered as a non-commercial vehicle and we are not required, nor do we have a commercial license on this vehicle. Again it is used to go to work and come home from work for personal use by the family. As we review section 6.1.1b of the zoning regulations, this states that once your car is deemed a commercial vehicle all parking of your vehicle should be on a surface area and not on the lawn and the surface area should not exceed 50% of the lawn, so we measured our home, unfortunately I don't have the physical features but if you look at Exhibit A I did measure our home from the measurements of our front of the lawn and 7A is as follows: The front exterior wall to the end of the yard 59 feet and 50% of our front yard is 34.5. As shown on Exhibit B, the vehicle, our vehicle reaches 30ft on the surface of the driveway which is to the right of our front yard and not within the front yard. The second reason I am contesting is the signage of the van is our right for publicity and that is defined as the right for publicity as serving an individual's exclusive right to the use of his or her name, identity and likeness. Having said that, the vehicle is branded, the vehicle professionally done with a portrait shot and remains visual. The van is well maintained, clean and is not an eyesore. There is a picture of our son on it. Our son is a well known figure in the area. He is a well known music figure. He has performed at colleges like Trinity, Central State University, public schools, and several others and has a very big following. We are very proud of our son and his accomplishments and the positive influence he has on our community. The branding of the van is a tribute to him and to support him as a local artist. We feel that the complaint is an act of discrimination from the town and from what I see and from what I hear, one that the Mayor's office is endorsing. Furthermore, I would like to obtain copies of that complaint and our responding to the Mayor. We highly feel discriminated against by our predominantly caucasian neighbors and by the Town for signing off on these complaints. In particular because no complaint was ever filed when we had a previous vehicle with was extensively branded with our store's logo. I feel we are being shamed and have to hide the vehicle because of the main visual which is a picture of our son. I don't see how this image of my son is offensive other than the fact that he is hispanic. Once more, to have our van moved it would require a financial burden because we don't

have storage, we don't have a garage, we would have to either you know, either create and then have to come to the board to get permission to get a garage.

Chairman Califano: Is there any way that you could widen your driveway.

Mrs. Brugueras: That would require financial...

Chairman Califano: Yeah, I know, but if you could not pave it, could you stone it like kind of to the left side of the driveway where you could put your car and then the van you could pull in.

Comm. Pane: I drove by and looking at the house to the right, they are really up against the property line.

Chairman Califano: Bring it to the left, where the front yard is, is what I am talking about, to the left of the driveway, in front of the house.

Mrs. Brugueras: In front of the house?

Chairman Califano: Right.

The driveway goes straight to the right side of the house and to the left, if you were to make like a four or five foot stone driveway, you could put your car there, your van would be able to be pulled in further in the driveway.

Mrs. Brugueras: But it is not taking more than 50% of our lawn, I guess that's what I am having a hard time understanding why is that an issue because according to Section 3.22.1 the one I mentioned, it shouldn't be more than 59%, it only states 30%. 30 ft. from the lawn and it is an unsurfaced area so I don't see what the issue is. The van has been well maintained, it is done professionally by a professional company. It is clean.

Comm. Pane: How long since you lived at the property.

Mrs. Brugueras: We purchased it in 2010. We had a mountainer that we also wrapped, but, you know it's been sold, but we had it since we moved in.

Comm. Pane: There was something else that was wrapped but it was a different vehicle.

Mrs. Brugueras: Right, a different vehicle with a different logo, it was a store logo.

Comm. Ekstrom: It wasn't sold to you as a commercial vehicle.

Mrs. Brugueras: No, it's not.

Comm. Igielski: What is written on the window.

Mrs. Brugueras: It is my son's name He is known as "Flash". He's a rapper.

Chairman Califano: Any other comments from the commissioners?

Comm. Richter: You were saying to the right of the house, if you went back, if you could put it back even with the house, I would think that would be - would that be sufficient?

Michael D'Amata: Well, let me just kind of go over sort of the town's perspective, here. A complaint came into the Mayor's office somewhere on /December 31st. The mayor gets a lot of stuff because he is the figure of the town and from the Mayor's office he then passed it on to us. We inspected the property and we issued a notice of zoning violation warning letter which was sent on January 12th. Based on Newington's commercial vehicle regulations the vehicle is considered commercial by Newington regulations which recently were adopted but the previous regulations wouldn't have provided this vehicle any relief or they were not less stringent than what we have now so basically, based on the fact that it has more than 2sf of signage it is considered to be commercial and therefore, as outlined in our phone conversations the property owner has three options: they can park the vehicle on the property on the driveway so that it is not closer to the street and the house. Basically, the intent of that is that somebody can have a vehicle that he uses for work and for personal use without impeding on the aesthetics of the neighborhood. That is option 1. Option 2 is remove signage so that it is not kicked into commercial category #1 when it is at the house. Plenty of contractors have magnets that they use and they put them on and off. That is option 2. Option 3 is remove the vehicle from the property and stop parking there. Yes, they could build a garage and they could keep the truck as it is and pull it into a garage, but those are the three options that I saw at that point in time. Yes, the state does define commercial vehicles as anything exceeding how the town views it and the reasons they characterize commercial vehicles than what we do is different and Newington felt it was important to come up with their own definition of commercial vehicles to allow the people that want to use their vehicles for business, we have a lot of tradesmen in town and landscapers and things that don't have the overhead to keep a separate fleet of vehicles for them to use from Monday to Friday and Saturday and Sunday they have a nother car, but we also want to protect the aesthetics of the neighborhood and not having any vehicle anybody can dream up parked in the area that is widely visible when you are traveling up and down the street so it is easier having it behind the house or further from the street than the house so that it is secluded, and it is still allowed to be on the property so that was what was outlined and those are the three options that we gave to the property owners and so, yes, to answer your question if they had to park at the end of the driveway they would be in compliance.

Comm. Pane: That is what I was going to ask, if they moved it forward at the beginning of the driveway there would be no....

Mrs. Brugueras: We have another vehicle that we don't use right now, so our driveway is very narrow and if we parked it closer to the house, it would be just a hassle every single day, we would have to move that vehicle on a daily basis so that we could move our cars and it is actually not closer to the driveway at all, I mean, we have a long driveway, I mean, our yard is 69' so our driveway is actually longer. It is not closer to the street at all, where we park it right now, it reaches 30% to the driveway, our yard alone. Our driveway is much longer.

Comm. Igielski: What is the vehicle that is now in front of the truck.

Mrs. Brugueras: That used to our RV.

Michael D'Amato: Are you talking about this photo, or a previous photo.

Comm. Igielski: The previous one.

Mrs. Brugueras: That has not been used since 2012, that was the other truck that we had before.

Comm. Pane: But you don't have that now.

Comm. Igielski: You had that, plus the car, so you could park the van in first and then park your other car.

Mrs. Brugueras: That is what I do because I have to be at work at 6:00 o'clock. So my vehicle, I have a Mercedes Benz which I park behind his van, which is closer to the road, to the street now.

Comm. Igielski: So his van could be park...

Comm. Richter: ...but you have another vehicle that is not registered that you cannot move, correct

Mrs. Brugueras: Right now we are going to register it this week, yeah.

Comm. Richter: But you just stated that you don't use that one vehicle...

Mrs. Brugueras: ...we don't use it right now, no, we are not using it right now.

Comm. Richter: To comply with zoning they are giving you three different options - you have an option 1 and that is, if you pull that van up closer and almost parallel with the house, then you will be in compliance with this regulation, if I understand that, Mike, if I am correct.

Mrs. Brugueras: I understand it, but it is not closer to the driveway, my van is closer to the street, where I park it right now my driveway is longer than 59' and it reaches 30' so it is not closer to the driveway, my car, my vehicle, the white van that I park, my husband every day it is closer to the driveway, so I don't see why we have to make any arrangements other than what we are doing right now, if I am not violating, we don't consider that we are violating, because we are parking on the surfaced area and we are parked, it takes less than 50% of the parking area.

Chairman Califano: But you are in violation according to the town laws.

Mrs. Brugueras: Because of the signage, but according to the laws and the town, it states at section 6.1 if we are parked on the surfaced area that doesn't take more than 50% of the front lawn, than we can park in that surfaced area. Our surfaced area of the driveway is not within the front of the yard, it is right of our yard.

Michael D'Amato: Section 6.1.1b which is on the handout is titled "Parking spaces for Buildings Used for Residence" basically the regulation says every house has to have at least two parking spaces and have to be adequately cleared surfaces and maintained and that vehicles shall be parked on the surfaced area of the lot, which essentially means you cannot park vehicles on the lawn, so this is the section 6.1.1b, so vehicles shall be parked on a surfaced area and not the lawn

and the surfaced area shall not exceed 50% of the front lawn. Essentially your driveway cannot take up more than half your front yard and you have to park your cars in the driveway, that is what this regulation is saying, and the violation that was sent out with this particular vehicle, the regulation violated was 3.2.21 which was commercial vehicles. There was no violation sent out for Section 6.1, so, yes, they are required to park in the driveway, yes they can't have a driveway that exceeds 50% coverage of the front of the property but in this case, neither of those are important, she is not in violation of either of those and the town is not sending an appeal.

Mrs. Brugueras: Well, I thought the 9.2.2 commercial vehicles was included in my zoning violation and then in the letter it states if the vehicle in question is a commercial vehicle as defined in the law can only be parked in a garage or on a surfaced area and not within the front yard. Section 6.1b. And that is what made me go to that section.

Michael D'Amato: And the reason that it is written that way is because if someone has a commercial vehicle we want to make sure that they park it on a driveway and they don't say, well, I can get it out of my front yard but that means I park it in my side way and if I pull it into the back yard we want to get away from people driving their vehicles across the lawn, which is why that was mentioned and which is why this is in the guide, because we do not want people to walk themselves from one violation into another - trying to solve the problem.

Comm. Igielski: You have an RV, or a camper?

Mrs. Brugueras: Yes.

Comm. Igielski: Could you park this vehicle that we are discussing tonight, where that was which would be further away from the street.

Mrs. Brugueras: We could but every single day we would have to pull another car out and that becomes a hassle.

Comm. Igielski: Yes, I know and I have been there.

Chairman Califano: I was going to say the same thing. A lot of people have the same driveways and they have two or three cars in the parking lot and you have to move them every day. I think a lot of people have probably done the same thing.

Comm. Richter: I do that.

Chairman Califano: I know it is a hassle and a pain in the neck but you had to get up and we had to do it every day. In general, I have seen people in these situations and have the same problem.

Michael D'Amato: Just to clarify the reason that - I mean, the option still exists that if it is too much of a hassle or a problem with schedules and logistics and as long as the vehicle does not have 2 SF of signage you can park anywhere in the driveway at any given time and it can be parked without any issue, so that is sort of a decision that there are a couple of options and the town does not prefer either. as long as it is in compliance so one. two. or three. there are some options.

Comm. Ekstrom: Can it just be graveled

Michael D'Amato: If you wanted to put another layer of stone there, as long as you did not come out all the way to the road, you could do that.

Comm. Ekstrom: Would it have to be professionally done or could they do this.

Michael D'Amato: If it is not in the right of way, it does not have any oversight to Engineering. If it is in the right of way, then you would need a permit and a license.

Comm. Ekstrom: Right, so that is a little bit lesser of an expense.

Comm. Richter: That would relieve the probable moving of the vehicle.

Comm. Ekstrom. Right, that is why I asked the question.

Comm. Richter: I still have that question back in my mind, that the one vehicle that is there now is unregistered and the one that is in front of the van is showing there, right there, and that is another issue, an unregistered vehicle.

Mrs. Brugueras: We just registered it.

Chairman Califano: Any other questions or remarks from the Board? Okay, thank you very much.

Mr. Brugueras: My name is Iran Brugueras of 40 Cherry Hill Road. I have listened to what you said about the gravel on the side, firstly it is a little cheap and a little tacky. In that case, I would take a loan out or take out my savings to create a driveway so that I could park my other vehicles and park my van at the end of the driveway and the stress of every day pulling your car out and sometimes we have to rush to work. I purchased my car for my daughter, something for her to go to school, that being said, what I am saying is it is kind of a like a win/win situation and if I could build a driveway in front of my house and would if it fits the situation. I would not want to do it with gravel. I wouldn't like that. I work too hard to settle for that.

Chairman Califano: Thank you.

Anyone from the public who would like to make a comment or speak.

Please state your name and address.

Jeremy Welk, 52 Commonwealth Avenue, Newington. We are directly across from 49 which before anyone purchased it, it had several things that we probably would think could be wrong with it. As far as at one point there was an abandoned vehicle there that had to be removed. He has cleaned up the property quite a bit from when he bought it and I hate to see him be denied the denial to put more of a landing as opposed to just a walkway up to the house because I think it would look nicer with that side back on the house as opposed to just kind of an entry way up since he did such a nice job cleaning the place up and also redone the roof and things like that which was every windstorm all the neighbors' yards before he owned it. So he did a very good job with the property and I think we should progress further with it as opposed to just a step where you had that deck and it would look a lot nicer than it did before he owned it and I think going forward after he is done. I appreciate the time.

Chairman Califano: Thank you. Anybody else from the public would like to speak either for or against.

Dominic Pane: I am not for or against it either of these things but I just want to understand it a little bit better on the 40 Cherry Hill Drive am I under the understanding that if the van does not protrude farther than the front of the house, then he complies, and the next question is, if he widened the driveway another 4ft on one side so that there is room for 2 vehicles then he could comply that way too, am I understanding this correctly? I am understanding it correctly; thank you very much, I appreciate it, you are doing a fantastic job.

Chairman Califano: Thank you. Anyone else. Yes, there is a letter from J.A. Czerniawski at 4 Putnam Street in the Town of Newington: To whom it may concern: This is regarding the Petition 00-16-04. "We and Audry and Joanna Czerniawski give permission for construction of a deck with stairs on 49 Commonwealth Avenue, Newington, CT. 06111 and signed J.A. Czerniawski." Could we have a motion to close the public hearing. Can we have a motion to close the public hearing.

Comm. Richter: I make a motion.

Comm. Bechter: Second.

Chairman Califano: All in favor. Aye unanimously.

III. WORK SESSION

PETITION 00-16-04 HEATHER AND EDDIE IRIZARRY REQUESTS A VARIANCE OF 10ft FROM THE REQUIRED 35FT OF NEWINGTON ZONING REGULATIONS SECTION 4.5.

Chairman Califano: The petitioner is asking for a 10ft setback from the property line in order to build a 5'2" stairs in front of the side door. The hardship is that the property was planned out many, many years ago, probably early 1900's which at one time was 4 separate lots and is now one and he needs the variance so that he can add onto his house and have it look presentable in the neighborhood. Any comments from the commissioners.

Comm. Richter: When I looked back at it, when I was a little kid I used to play around down in that neighborhood down there and 4 lots, that is a lot of lots for one house however, I agree that he should have that set back. He has been doing a lot of work with that house. That house is a lot better than what it was and I just cannot see denying it.

Chairman Califano: Any other comments? May we have a motion.

Comm. Richter: I make a motion that we make a yea on the petition.

Comm. Igielski: So moved.

Chairman Califano: All in favor. Aye unanimously. The petition has been passed unanimously.

Comm. Igielski: Petition 00-01-2016 Nohora Isabel and Iran Brugueras of 40 Cherry Hill Drive requests a hearing to appeal the decision of the ZBA officer in regard to a notice of zoning violation of Section 3.22.1 for a commercial vehicle issued under the provisions of Section 7.1 of the Newington Zoning Regulations.

Chairman Califano: The petitioner is looking for an over-ride of the violation that was cited by our Zoning Enforcement Officer due to the fact that they do not believe that the vehicle that they have is a commercial vehicle and it would be a hardship for them to be moving the vehicle back and forth and in and out when they have to leave in the morning for work..

Comm. Richter: I think the zoning department gave them the option of being able to put gravel down, move the vehicle up so it would be parallel with the house to cover the zoning violation by doing it that way. I have to agree with Mike, it is an easy situation to correct rather than keep it in the same driveway. Just move some gravel in there and that is my position or move the vehicles every morning.

Michael D'Amato: There are some specific requirements for curb cuts in residential zones so I think after there is a decision tonight, they can make a call on what they want to do and we can sit down with the rest of the staff to figure out what the options are and go from there and it is just more than just me to take a look at something like that.

Comm. Bechte: It seems like it might be less expensive than just to make the driveway 4' wider.

Chairman Califano: Even if they just stoned it in temporarily.

Comm. Pane. What are we deciding on, do we give them the option within a certain amount of days and have them figure it out if they can put it into the back and they are fine, are like we - what are we voting on exactly that they are...

Chairman Califano: We are either going to uphold Mike's decision or we are going to allow them to do what they intend doing, parking the vehicle where it has been and where we have gotten a complaint. (tape turned over)

Michael D'Amato: If they determine that they want to change the property in some way, in the meantime the solution is to park it in the driveway and then figure out what their options are and make those changes and we will work with them, and we can come up with a time frame that you feel is comfortable for them to plan on what they want to do.

Comm. Richter: So we are voting on whether to keep the regulations in place or let them waive that regulation, correct?

Michael D'Amato: You are determining if the town is correct in issuing the notice and that is a true violation or if the notice was issued in error for one reason or another and if it was determined it was issued in error, then you find in favor of the applicant then the notice of violation goes away.

Comm. Ekstrom: The vehicle was still parked where it is, behind the car, it would still be a commercial vehicle and it would have not been in violation, or still received a violation if it was just plain green.

Michael D'Amato: If the vehicle was not wrapped with signage it would not be a commercial vehicle, it would be no different than a Honda Civic.

Comm. Ekstrom: So the wrapping is what is making it a commercial vehicle.

Michael D'Amato: The wrapping is the trigger. Yes. It is the wording, it is the lettering, we are not getting into photos and that sort of thing. The lettering is flash and the web site and stuff on both sides.

Comm. Ekstrom: They can just hide it.

Comm. Richter: They are not going to hide it.

Comm. Ekstrom: If they just reposition their vehicles.

Comm. Igielski: How do you decide the time frames?

Chairman Califano: That would be up to us, we can give them 15 days, 45 days and come up with a notice of compliance We can make a decision on what they would want to do.

Comm. Igielski: Would we give them a time frame?

Chairman Califano: I think we should do that, we could put 30 days, 45 days and even more than that while we are in winter.

Comm. Richter: I think March is one hell of a winter month, we could have a lot of snow and if you give him 60 days, in other words this is the beginning of the month of March and at the end of April that is sufficient, but I think with the regulation that it is intact, I think it went into effect in November, I have to agree with the regulation, if they are given the option that they can park that vehicle next to the house and they can comply at that point.

Comm. Pane: But were they given a certain amount of space between the driveway and the road way that they were fined, where the car was before were they still compliant already because the vehicle was still far enough back from the...

Comm. Richter:.....what I am saying Nicole, is if they park that vehicle back where the house is, where that unregistered vehicle is right now, if they park that van back there, they are in compliance.

Comm. Pane. Understandable, but right now to move that they are not in compliance with the vehicle in back, too, you know as far back as it could go too already.

Chairman Califano: No, it is really 30 feet from the road or less.

Comm. Pane: It is more than 30ft away from the street.

Comm. Richter: If it runs parallel with the house, here is the house right here, there is the vehicle right here.

Comm. Pane: I understand, I am just trying to get past the 30 feet thing because they were past the 30ft, do you know what I am saying.

Comm. Richter: I know what you are saying.

Comm. Pane: Because they were farther than the 30ft than what would be in violation and now I understand that they are asking to push back, that is now, but technically they were past the 30 feet.

Michael D'Amato: In this regulation, the term "front yard" and in the old regulation means the area between the house and the street. Everywhere in the regulations it says front yard setback which is what you are talking about and that is where you say you can do nothing in that setback.

Comm. Richter: Right.

Michael D'Amato: So this is the only place in the regs where we use front yard different from front yard setback, so if the vehicle is closer to the road than the house he is in violation. I know it is confusing the way they did that, but we kept it that way.

Comm. Eckstrom: Regular recreation vehicles, do they have to be set back? Like where that one is.

Michael D'Amato: Our regulations, we do not allow RV's to be parked in the driveway. They can either be parked on the side yard if they are screened and also depending upon the total length and height. So without knowing a heck of a lot more about this vehicle...

Comm. Eckstrom....no, no, no, that's just fine.
Have there been many, many more violations in regards to this?

Michael D'Amato: This regulation is looser than the old one. Basically the old one was written in the sense that it did not use the word one ton and it didn't find the capacity; there are a lot of issues with the old one.

Comm. Eckstrom: Is this the first one that...

Michael D'Amato: We have had a number of people come in and sit down and figure out what to do. Essentially, there is a solution for most of these vehicles. the big large tow trucks, the big semi trailers, back hoes, those types of vehicles are explicitly prohibited and cannot be in a residential zone, but other vehicles you can locate them on the lot depending on.....

Comm. Eckstrom: In that time frame, since we changed it, if there were any more people who were out of violation.

Comm. Richter: At the last meeting we had, we had a gentleman in here that wanted a variance to build a garage...

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Comm. Ekstrom...exactly, so that the question, you know what I mean, but he already said, I am building it because I got this type of ...absolutely, so...I was just wondering how many others...

Comm. Richter: It is totally separate, totally separate.

Michael D'Amato: It falls under Recreational vehicles, boats and trailers, so RV's, car trailers, all those things are considered under separate regulations.

Comm. Ekstrom: I wish Spring comes to reroute the traffic.

Chairman Califano: What we want to do is uphold the decision by the town, or deny the petition and possibly give him a time frame in order to do something about it and decide if 60 days would be sufficient if we want to go that way, so we need someone to bring this up in the form of a rule here. What we should do first is either vote for or against the petition and then we will be voting in favor of the town to give a decision - make up some kind of a time frame for them to abide by the decision. Would someone make a motion.

Comm. Igielski: I move that we deny Petition 00-01-2016.

Chairman Califano: The petition is on the floor for the commissioners to vote on denying the petition for an overriding of the town's decision to have the van taken out of the driveway and put further in so it is not seen by the public as a not appealing site. All in favor? Aye unanimously. It passed the override until granted to the Town. We have decided that with the town we have to have some kind of a time frame for the petitioners to make a decision on what they want to do. John, you mentioned 60 days, does everyone think that is enough time for all of March and all of April.

Comm. Richter: I think it is plenty of time. I think winter will be past by then and especially up in that area up there, at least 60 days. I make a motion that we vote on 60 days.

Chairman Califano: They can come to the Building Department and come up with a plan and have a time frame for that depending on how long it may or may not take.

Comm. Igielski: I second the motion.

Chairman Califano: All in favor. Aye unanimously. Will someone make a motion to close the work part of the meeting.

Comm. Richter: I make a motion that we close the work session. Comm. Eckstrom seconded the motion. All in favor. Aye unanimously.

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Chairman Califano: Did everyone read the minutes of the last meeting. A motion to accept the minutes.

Comm. Igielski: So moved.

Comm. Bechter: Second.

Chairman Califano: All in favor? Aye unanimously.

VI. COMMUNICATIONS AND REPORTS

None.

VII. OLD BUSINESS

None.

IX. ADJOURNMENT:

Comm. Richter: I make a motion to adjourn.

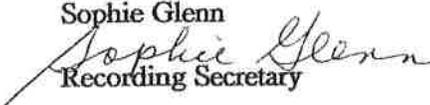
Comm. Eckstrom: Second.

The motion passed unanimously.

The meeting adjourned at 8:00 P.M.

Respectfully submitted:

Sophie Glenn


Recording Secretary