

TOWN OF NEWINGTON  
ZONING BOARD OF APPEALS  
CONFERENCE ROOM BOARD OF EDUCATION  
131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111  
OCTOBER 1, 2015

I. ROLL CALL

Comm. Igielski: Louis Califano

Chairman Califano: Present

Comm. Igielski: Paul Plavcan

Chairman Califano: Absent

Comm. Igielski: Daniel Quattromani

Chairman Califano: Absent

Comm. Igielski: John Richter

Comm. Richter: Present

Comm. Igielski: Audra Ekstrom

Chairman Califano: Excused

Comm. Igielski Here

Comm. Igielski: Comm. Tanger

Comm. Tanger: Here.

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 separate parts to the meeting. First is the public session where the petitioner will come up to the podium, give his name, address, and comment on the petition and what the hardship is. After the petitions have all 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. We just have the one petition this evening. We only have 4 commissioners; we normally have 5. You can choose to either wait until we have the 5 which would be next month or you can go ahead with the meeting tonight and you would need 4 of the petitioners to vote "for": and normally it would be 4 out of 5. There are only 4 commissioners here and you would have to have all 4 votes in favor of or against the petition.

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Chairman Califano: Judy, would you please read the petition.

Comm. Igielski: PETITION 00-15-05 David G. Woods of 1384 Main Street is seeking a Variance of 22' from the required 30' of the Newington Code Section 4.4.1 concerning front yard setbacks for corner lots in the R12 Zone. 1384 Main Street is located directly south of Northwood Road on the Easterly side of Main Street.

Chairman Califano: Thank you. Will the petitioner please step forward, please state your name and address.

Mr. Woods: My name is David Woods, I am the owner of 1384 Main Street and my wife Kathleen is with me. I am here this evening to request a variance of 22' for my sideyard setback for the installation of an in ground swimming pool. The present house was built in 1909 and it was not a corner lot at the time of construction. Northwood Road was constructed 42 years later in 1951 and the property became a nonconforming lot. My property frontage is only 75' and a 30' side yard setback 16' from the house. The current setback requirements restrict me from any future property building or from any future property owners to utilize the rear yard like the rest of Newington property owners. I believe a closed swimming pool would enhance the look of the yard, increase the property value, increase the tax base for the town of Newington and have yearly recreation for members of my family and others.

Comm. Richter: Will you pull up the plot plan. Now on the left side it says 8.6. On the right side working to the left side. On the left side you have 8.6". Is that an arrow?

Vendor: It's an arrow.

Comm. Richter: Okay, then you've got 30'.

Vendor: That's correct.

Comm. Richter: Then you have 4'.

Vendor: Correct.

Comm. Richter: Then you have 20'.

Vendor: Yes.

Comm. Richter: By 26'.

Vendor: Yes.

Comm. Richter: You add that up and it does not conform to the 75'.

Mr. Woods: The garage dimensions, you can see on the left side of the garage.

Comm. Richter: It adds up to 68'. Where is the difference of . Where is the difference of 7'?

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Vendor: The 20' on the garage is just that first 20' - the extended portion of the garage there is the additional footage.

Chairman Califano: That's this piece here?

Vendor: That's correct.

Mr. Woods: That was an addition that was put on.

Vendor: That combination of numbers does add up to 75.

Comm. Richter: And the line where it is 8'6" - that's the fence.

Vendor: That's correct.

Comm. Richter: So, there's no walk around between the pool and the fence, the pool butts up to the fence.

Mr. Woods: The 8'6" is from the property line which is the current fence so you have an 7'5" fence to the edge of the pool.

Vendor: The line is coming down where the arrow is at, that is just an indicator of the 8'6".

Chairman Califano: Where is the end of the property here?

Vendor: That line is strictly a demarcation line of the 8.6.

Comm. Richter: So where the green line is - so that is where the fence meets the property line.

Mr. Woods: And the red line indicates the current 30 foot set back.

Comm. Igielski: So the fence is on the property line.

Mr. Woods: Correct. From the north we are looking toward Main Street and you can see the existing fence and our proposal is to replace that existing fence.

Chairman Califano: So you will have no backyard at all, right?

Mr. Woods: There is going to be a limited backyard, if you look at the other pictures that is currently what it looks like from the back part of my yard looking toward the garage and the deck. Obviously the swings will have to be removed and the next photograph I am panning through the street side to the back of the house and one more photograph, that would be right along the fence side looking toward Main Street.

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Comm. Richter: I noticed a sidewalk. Is there a sidewalk that ends right on your property.

Mr. Woods: Yeah, and it goes right out to the street..

Comm. Igielski: Would you be having it fenced in instead of having it on the property line?

Mr. Woods: For what purpose.

Comm. Igielski: What is the range that you need for the town's right of way.

Mr. Woods: Currently from the curb line to that fence it is 14'.

ZBA Officer Michael D'Amato: The green line that is there shows the property line the distance from the green line which is also the property line from the curb - is probably 10 plus feet and if anything the Building Department will create an upper enclosure.

Comm. Igielski: Right and I know that the Town has the right of way.

ZBA Officer Michael D'Amato:: Yep. And that is why it shows that green line is where his property line stopped and the right of way begins, so even though it looks really far when you are out in the street - it is 10 feet away.

Mr. Woods: When you look at the photograph looking down, right there, see the sidewalk, the sidewalk like you stop at the property line and it goes out, right, so if you continue the sidewalk all the way down Main Street, the sidewalk is the curve line and is not the right of way.

Comm. Igielski: So what is the town's right of way?

ZBA Officer Michael D'Amato: Some places it is 25', and some places it is 2'. Standard right of way's are probably 50 feet and the road was sandwiched in there.

Chairman Califano: So where is the town line, from here to the street?

ZBA Officer Michael D'Amato: The town line - the right of way is from here to here. The reason that the sidewalk stops is probably because the house existed when the subdivision came in because the subdivision started here and worked back so they were not going to put the sidewalk on existing property.

Comm. Richter: Now your pool is going to be uphill, you are not digging out at the same height of the bottom of the fence?

Vendor: No, the elevation of the pool is going to be 2-3 feet higher.

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Chairman Califano: You are not going to go into the hill at all.

Vendor: No.

Comm. Igielski: Is it an underground pool?

Vendor: It is

Mr. Woods: From a visual standpoint the yard is going to look better than the swing set that is currently there because that sticks out. It used to have a canopy and it blew off and it is almost an eyesore coming down Northwood and with a full fence enclosure around the yard and an inground pool, it will become wider.

Comm. Richter: What's the specs on the height of the fence for the pool?

ZBA Officer, Michael D'Amato: He should be ok with the fence that is along Northwood Rd because I believe while I'm not the Bldg. inspector requires 48" and that's what you have. He is going to have to maintain that fence all the way along so that he creates a pool area with self-closing, self-latching gate. The fence that we are looking at broad side, can be up to 6 ft 1" height. If he chooses to upgrade he can keep that 6ft with the current code.

Califano: What is the current requirement?

Comm. Igielski: 6 feet right across the back.

ZBA Officer:M. D'Amato: He has to maintain a 4ft fence along Northwood because of the frontage.

Comm. Igielski: Four feet is the standard.

Is there a fence on the other side?

Mr. Woods: Between the deck and the garage we do have a small little picket fence.

Comm. Igielski: Is that 4 feet?

Chairman Califano: That is going to be replaced with a full enclosure.

Comm. Richter So you are still going to have it enclosed to the left of the garage then.

Mr. Woods: Right, behind the garage on the left side there is a chain link fence, an enclosure for that area.

Chairman Califano: Mike, is there anything else from the Building Department?

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ZBA Officer, Michael D'Amato: The neighbors did receive notices so that they are aware of it and we did receive a couple of calls and there were no issues.

Chairman Califano: And of course, we all get passes!  
(laughter)

Comm. Igielski: So it is okay that the fence is on the property line.

Vendor: There are some towns that I deal with in the State and the property line tends to be one foot.

Comm. Richter: You are going to have that slope to the fence next to the pool.

Mr. Woods: The pool edge will stop and a 3 foot path, a 3 foot walkway.

Comm. Richter: I guess that is 8'6" you are taking from the edge of the pool to the fence so now you are talking 5' to the edge of the walkway around the pool.

Vendor: That is 5'6", yeah.

Comm. Richter: That is the drop off, it is going to be a drastic drop off?

Vendor: The patio itself on the slope from the pool edge is going to drop 1/4" so it is going to drop 3/4".

Comm. Richter: Yea, for water runoff, but that 3 foot, how much?

Vendor: It is going to drop back down probably minus 24", yeah.

Comm. Igielski: So it shows 4 feet from the edge of the pool to the back of the garage.

Vendor: Yes. He passes out diagram and shows the patio. And just so that you know all of the filtration system is all circulatory.

Comm. Richter: It is gunite and steel framed?

Vendor: It is. Yes.

Chairman Califano: If there are no more questions, we will close the public session. Comm. Richter made a motion to close the public session and Com. Igielski seconded the motion. All in favor - aye unanimously.

### III. WORK SESSION

Comm. Igielski: Petition 00-15-05 David G. Woods of 1384 Main Street is seeking a Variance of 22' from the required 30' of the Newington Code Section 4.4.2.

ZONING BOARD OF APPEALS 7 OCTOBER 1, 2015

Chairman Califano: The petitioner is looking for a 22' variance on the property at 1384 Main Street and the lot was put there 100 years ago when they probably did not know that Northwood was going to exist, therefore, the way the lot was configured does not conform to the zoning code that we have today. I can see what the hardship would be in this case and there should be no probably as far as the town is concerned and with any of the neighbors. There have not been any complaints from the neighbors.

Comm. Richter: The only thing I would say that the variance of 22 feet - the variance is strictly for the pool, putting in the pool, if that could be specified in there because that gives that variance from the front yard all the way to the back. I just want to say that it states in there that if we grant the 22' variance that it is for the pool and the pool only.

ZBA Officer, Michael D'Amato: We can put it in the certificate of action. .

Comm. Richter: Right.. In other words, he cannot come up and add on to the house further down the road. If you give the 22' variance you giving it for the whole side of the setback, and that should be specified.

Comm. Igielski: I move that we have amended the petition as stated and Comm. Richter seconded the motion. The motion passed unanimously.

Comm. Califano: I make a motion to deny the petition of 1384 Main Street for the reasons as stated before. All in favor? The motion passes unanimously.

A motion to pass the petition as mentioned in the petition itself that will allow the petitioner to go forth to build his pool with the amendment that is included in the petition. All in favor? Aye unanimously. The petition is passed as amended.

ZBA Officer Michael D'Amato said that just to let you know we publish this in the paper and specify a 15 day appeal period.

Mr. Woods: The target date to start is October 20, 2015 and in the Springtime we will put in the patio and they guarantee swimming by Memorial day.

Comm. Richter: Where are they putting all the controls for it.

Mr. Woods: There is talk about putting them in the garage.

Comm. Richter: Put it in the garage, don't put it outside. You are better off in the garage

## V. MINUTES OF THE PREVIOUS MEETING

August 6, 2015

Chairman Califano: I make a motion that we accept the minutes of August 6, 2015.

Comm. Richter: Second.

Chairman Califano: All in favor? Aye unanimously.

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VI. COMMUNICATION AND REPORTS

None.

VII. NEW BUSINESS

None.

VIII. OLD BUSINESS

None.

IX. ADJOURNMENT

Chairman Califano: I make a motion to adjourn.

Comm. Richter: I second.

Chairman Califano: All in favor. Aye unanimously.

The meeting adjourned at 7:25 P.M.

Respectfully submitted,

Sophie Glenn  
Recording Secretary