

NEWINGTON ZONING BOARD OF APPEALS

Regular Meeting

May 6, 2021

Chairman Nicole Pane called the regular Zoom meeting of the Zoning Board of Appeals to order at 7:00 p.m.

1. ROLL CALL

Commissioners Present

Commissioner William Bechter
Commissioner Timothy Hutvagner
Chairman Nicole Pane
Commissioner John Bachand-A
Commissioner Sharon Dunning-A
Commissioner Judy Igelski-A

Commissioners Absent

Commissioner Audra Ekstrom-recused
Commissioner Michael Karanian-excused

Commissioner Bachand was seated for Commissioner Karanian and Commissioner Igelski was seated for Commissioner Ekstrom.

2. PUBLIC HEARING

- 2.1 Petition 00-21-02: Nicole Iacobucci 36 New Britain Avenue is requesting a variance from Section 4.5 Table A to allow an air-conditioning condenser unit to encroach into the required 10' side yard setback at 36 New Britain Avenue.

Chairman Pane: Before we begin and let Nicole Iacobucci speak I just want to break down a little on what the ZBA does and how the meeting is run. There are two parts to the meeting, the first is the public session, and the petitioner will speak to us, state their name, address, and what their hardship is. After the petition is heard, anyone from the public may come to speak, and express whether they are for or against the petition. After that public participation, the public part of the meeting is done. It will be closed. During the work session the public may listen but they cannot comment on what is going on. If the petitioner does stay on, they can listen and see what happens in the work session, if not they can always call the Building Department tomorrow and they will let you know the decision. During the voting, we need to have four affirmative votes to approve a variance. If you have five members seated, you can have one no, and if you have only four members seated at the meeting, they all need to vote yes. If that does happen in any way, the applicant does have the right to postpone to another meeting, if you do have only four members seated and the applicant does want to have five

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members. At this point in tonight's meeting, we do have the five members seated, so that shouldn't come into play at all.

Nicole, if you would like to speak and give us some information about everything, that would be great.

Nicole Iacobucci: Hi, I'm Nicole Iacobucci and I'm at 36 New Britain Avenue. We're petitioning to put our air conditioner condenser on the side of our house, which ends up being about seven feet from the property line. The reason we are petitioning this is, we bought the house in the summer, my fiancé and I, and we put an addition on, and we are putting a deck also where the conditioner condenser was previously, that was not working. We are planning a wedding at the same time, and are renovating this entire house because it was a foreclosure and was in a destructive state when we bought it. We are just petitioning with the amount of money we are spending on renovating the house and with our wedding, to be able to put the air conditioner condenser there to save us some money, and there is really no other spot for us to put it.

Chairman Pane: Okay, you can't go over to the other side of the house I'm assuming? Or the back there, on the other side of the addition?

Nicole Iacobucci: No, because we have a door and we have our, the hatchway.

Commissioner Bachand: And you have a deck across there too, right?

Nicole Iacobucci: Right.

Commissioner Bachand: And the other side is all driveway and garage?

Nicole Iacobucci: Yes.

Chairman Pane: Anyone have any questions?

Commissioner Igelski: Where is the driveway and garage?

Nicole Iacobucci: It's on the right hand side of the house.

Commissioner Igelski: And where will the unit be?

Nicole Iacobucci: On the left hand side.

Commissioner Igelski: How far away is that from the house next door?

Nicole Iacobucci: It's seven feet, it's going to be 7.7 feet from the property line.

Commissioner Igelski: Okay, but how close is that to the house?

Nicole Iacobucci: Their garage is to the side of that house, so it's the garage, not the actual house that will be there and there is still at least ten feet before the garage.

Chairman Pane: Now Nicole, is your boiler right over there to the reasoning of why it has to stay over on that side?

Nicole Iacobucci: Yes, the boiler is right there. The unit is right there in the basement on that side. Everything for the house is on the left hand side in the basement.

Commissioner Bachand: I just have a couple of questions. The sign, we do require a sign, right? It was out?

Erik Hinckley: Yes, it was, I saw it.

Commissioner Bachand: And none of the neighbors had any opposition? I don't see anyone in the meeting.

Erik Hinckley: I didn't get any calls or anything.

Commissioner Bachand: Just speaking for myself, I would approve this almost any day, you know, we allow sheds up to five feet from the property line, but...these new air conditioning units, if anyone would complain I would say maybe put a little screening in front of it, but they are very quiet now. I'd be more reluctant if it was a standby generator or something like that because those things make a lot of noise. Even in that case, a couple of feet isn't going to make that much difference. That is just speaking for myself. That's all.

Chairman Pane: Thank you John. Anyone else? Is there anything else Nicole that you would like to say? Does anyone have any questions for Nicole?

Nicole Iacobucci: I would just like to say we have worked really hard on this house, we gutted it down to the studs, we have done so much work on this house that I really appreciate the time that you are taking in this meeting and to allow us to petition this.

Chairman Pane: Thank you. Do we want to keep this open? Do we want to close it and do our work session if we have enough information? What do you want to do?

Erik Hinckley: Just make sure that there is no one from the public wishing to speak and then you can do what you need to do going forward.

3. PUBLIC PARTICIPATION

Chairman Pane: Is there anyone from the public that would like to speak?

James Krupienski: No one from the public on at all other than the members.

Chairman Pane: I'll make a motion to close the public participation and enter into the work session.

The motion was seconded by Commissioner Bechter. The vote was unanimously in favor of the motion, with five voting YEA.

4. WORK SESSION

Chairman Pane: Does anyone have anything that would like to talk about? John, I know that you stated how you felt about it.

Commissioner Bachand: I'll just ask James to put the picture back up and I'll give you some of my reasoning. You can see, we allow chimneys in the side yard, Erik can confirm that, we allow chimneys and cornices and overhangs and.....

Erik Hinckley That is specifically written in the regulations, and I covered that in my staff report, as long as it is attached to the house.

Commissioner Bachand: This thing is behind the chimney, which is a little better than being in front of it, and it doesn't look like it projects much further than the chimney, it's going to project a little further I imagine, but it's not one of the tall stand up units, but again, in my opinion, it's pretty easy, unless a neighbor had complained, and then if a neighbor had complained then I would ask, maybe they would be satisfied with some screening, something like that if they really just didn't want to look at it, but you pretty much see them everywhere now days, so that is my reasoning.

Chairman Pane: Thank you John. Anyone else?

Commissioner Igelski: I think the only concern that I would have, and it's not for this particular unit is how close is it to the house. Is it near the neighbor's bedroom, etc., and that doesn't seem to be so. That concern is gone.

Chairman Pane: All right. I don't see any issue with it. I did at first, but once I heard the fact that your boiler, all of their things are in the basement right there, that's a lot to move across to the other side, or to the back, that is something that cannot be done. That was in the house in the first place, they couldn't really tell where this was before that happened. They couldn't help that. Is there anyone else who has any comments or questions?

5. APPROVAL OF MINUTES

Commissioner Bachand moved to approve the minutes of the March 4, 2021 meeting. The motion was seconded by Chairman Pane. The vote was in favor of the motion, with four voting YEA and one abstention (Igelski)

6. COMMUNICATIONS

Erik Hinckley: No, but just to let you know, the TPZ and Conservation Commission are getting very busy with a lot of upcoming applications. We do potentially anticipate some other variances coming down the pike, some of them might be on a larger scale than what we are looking at here, so be aware of that. I also, per the Town Attorney, I had to update the notice of zoning violation letter to include the option to appeal, so any appeal to those would come before the ZBA as well, so you could see some more activity going forward.

7. REPORTS

None

8. NEW BUSINESS

- 8.1 Petition 00-21-02: Nicole Iacobucci 36 New Britain Avenue is requesting a variance from Section 4.5 Table A to allow an air-conditioning condenser unit to encroach into the required 10' side yard setback at 36 New Britain Avenue.

Chairman Pane: Does anyone want to make a motion? Commissioner Bechter moved to approve the request and give a variance for this particular situation. The motion was seconded by Commissioner Igelski. After a roll call vote, the motion passed unanimously with five voting YEA.

Nicole, you're all set, you have been approved.

Nicole Iacobucci: Thank you.

Chairman Pane: You're welcome.

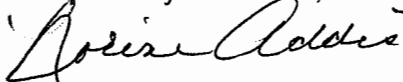
9. OLD BUSINESS

None

10. ADJOURNMENT

Chairman Pane moved to adjourn the meeting. The motion was seconded by Commissioner Bechter. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary