

**MINUTES
SPECIAL MEETING
AMENDED**

Zoning Board of Appeals
Remote Access

November 4, 2020
6:30 PM

Members Present:	Joshua. Friedman, Chair Catherine Newlin; Vice Chair; Anne Darling, Secretary; Michele Kripps
Members Absent:	Warren Mackenzie
Alternates Present:	Jason Maryeski, Darcy Van Ness
Alternates Absent:	Danielle McCarty
Staff Present:	Jill Pisechko, Zoning Official; Robert Avena, Town Attorney; Anna Scanlon, Recording Secretary

1) CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Chair Friedman called the meeting to order at 6:30 PM and appointed Darcy Van Ness to sit for Warren Mackenzie and Jason Maryeski to sit for Anne Darling as she had to recuse herself for business reasons.

2) APPROVAL OF MINUTES

A consensus of the board approves the minutes of the Special Meeting, October 1, 2020.

3) PUBLIC HEARING

Application #ZBA-20-7 - Appeal of James & June Wino, owners and applicant and Brian Florek, LS, agent at 4 Ellen Ward Road, C-MF zone. Variances are requested from zoning regulations section 8.4— Side yard setback variance of 7.5 feet to allow a side yard setback of 22.5 feet, and 16.1 – Minimum Lot Size variance of 3,415 square feet to allow a minimum lot size of 26,585 square feet. Variances are required to fix an overlapping boundary issue discovered on deeds brought forth which did not properly compensate for the residential structures as shown on plan entitled "Lot Line Revisions Survey, Property Belonging to James & June Wino, 4 Ellen Ward Road" dated 10/14/2020.

The following exhibits were read into the record:

- EXHIBIT 1. Application and Support Material for 4 Ellen Ward Road dated September 14, 2020
- EXHIBIT 2. Site Plan Dated October 14, 2020
- EXHIBIT 3. *Certificates of Mailing, dated October 16, 2020
- EXHIBIT 4. ZEO Memo dated, October 26, 2020

Brian Florek, LS, agent addressed the board. Mr. Florek stated that once he did the requested survey of the property he discovered an issue with the deed of 4 Ellen Ward Road, the deed that was in three pieces. The structure on 6 Ellen Ward Road is over the property line and has been that way approximately since the 1940's and kept on repeating the same deed going forward. Mr. Florek would like to propose to create a new quit claim deed to correct this issue.

*Town Attorney Robert Avena, requested more history on the ownership and transfers that have occurred and how the structures got there. Mr. Florek did not have documentation with him to answer. Attorney Avena, stated, lot 6 is becoming less non-conforming, and over time the three lots became separate lots of record. Even though they are owned by the same owners, the owners have the Board look at each lot separately. The owners are proposing to get rid of a non-conformity which is part of the main structure and on a different lot and that is certainly a legal reason to correct the lot sizes. In doing so, there are two variances that are necessary to correct the error that resulted in a residential structure that crosses over two separate town parcels.
There was no public comment.

*Amendments –ZBA-20-7 Exhibit 3 ;Town Attorney Statement

MOTION: Motion made by Michele Kripps seconded by Darcy Van Ness to close the public hearing on Application #ZBA-20-7.

VOTE: 5-0

There being no further comments or questions, the public hearing was closed at 6:57 PM.

4) OLD BUSINESS

Application #ZBA-20-5 - Appeal of Nevil C. & Gloria J. Petrini, owners and applicant and James Bernardo, LS, agent at 23 Division Street, R-20 zone. Variance is requested from zoning regulations section 4.4.1—Front yard setback variance of 20 feet to allow a front yard setback of 30 feet. Variance is required to construct an addition to an existing single family dwelling as proposed on plan entitled "Zoning Location Survey, Property of Nevil C. Petrini & Gloria J. Petrini for property located at 23 Division Street" dated August 28, 2020.

MOTION: Motion made by Catherine Newlin; seconded by Michele Kripps to approve Application #ZBA-20-5. Board voted to approve, and adopted the findings of the staff as to legal hardship and reason for variance.

VOTE: 5-0

5) NEW BUSINESS

a) Budget Fiscal Year 2022 Review

MOTION: Motion made by Darcy Van Ness seconded by Catherine Newlin to approve the 2022 Fiscal Year Budget for the Zoning Board of Appeals.

VOTE: 5-0

MOTION: PASSED

b) Annual Report Fiscal Year 2020 Review

Brief discussion on reevaluating the Zoning Board of Appeals processing fees.

6) CORRESPONDENCE

There was no correspondence.

7) ADJOURNMENT

MOTION: Motion made by Cathy Newlin and seconded by Michele Kripps, to adjourn the meeting at 7:20 PM.

VOTE: 5-0

Respectfully Submitted,

Anna Scanlon
Recording Secretary