

ZONING BOARD OF APPEALS
July 7, 2008 Meeting Minutes

Board Members Present: Shane O'Connor, Robert Rosenberg, Ray Williams, and Joseph Lawsing

Town Staff Present: Jennifer Rodriguez, Planning Coordinator and
Assistant Zoning and Wetlands Officer

Chairman O'Connor called the meeting to order at 7:03 pm.

Board roll call was taken.

Chairman O'Connor referred to the June 2, 2008 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Rosenberg moved to accept the June 2, 2008 meeting minutes, as published. Mr. Williams seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Public hearing on Application #FY08-09-01, Owner/Applicant: Curtis J. Ruckey for a variance for the property located at 11 Smalley Road to reduce the front yard setback, where 60 feet are required.**

Chairman O'Connor noted that the Board did have a quorum that evening with four Board members as opposed to the usual five members, but that if there was a tie vote the application would be denied. He then asked the applicant if he wanted to go ahead with the hearing that evening or if he wanted to postpone the hearing to the August meeting. A brief discussion followed and Gary Douglas, representing Curtis Ruckey, replied that he wanted to proceed with the hearing that evening.

Mr. Douglas submitted an amendment to the original application to all of the Board members and staff. Chairman O'Connor then read the amendment as follows:

“Request variance to front yard vs. ‘frontage’.

Request reduction of front yard from required 60 feet to 35 feet for the purpose of adding a deck to the front of existing building as stated in the original document.”

Mr. Douglas stated that the reason for the variance was because the residence in question was located in a Business 1 zone. Mr. Williams asked what the difference was between the Business 1 and Residential zones. Mr. Douglas replied that the Residential zone required a 40 foot front yard setback and the Business 1 zone required a 60 foot front yard setback.

Mr. Williams then asked about 26-38-11 and 26-38-7 on the map that had been submitted with the original application and commented that it appeared that they were locked in. Ms. Rodriguez stated that there may have been a shared driveway with another property and that 26-38-7 could be accessory buildings.

Mr. Lawsing stated that the area in question was basically residential and that there were really no businesses in that area. He went on to say that the situation should be handled as if it were a Residential zone. Chairman O'Connor stated that there were businesses within that zone which were relatively close by the property in question. He then pointed out that immediately behind Mr. Ruckey's backyard were the Doughnut Kettle and some other little businesses in a strip building. Mr. Lawsing then pointed out that the Doughnut Kettle was on a different road. Mr. O'Connor agreed. Mr. Lawsing then suggested that since there was no business able to infringe on the property in question that it be handled as if it were residential. Mr. Douglas noted that all of the businesses accessed Spring Street and not Smalley Road.

Chairman O'Connor asked Ms. Rodriguez where the zone break was. Ms. Rodriguez replied that she would have to check the map.

Ms. Rodriguez commented that in her opinion when there was a residential use that had to adhere to business regulations those business regulations generally were meant for the businesses. She went on to say that if the property in question were zoned Residential the front porch would be allowed to encroach 8 feet into the front yard with the required front yard being 40 feet which would bring the front yard down to 32 feet. Ms. Rodriguez then pointed out that that would be closer than what the applicant had asked for. She then suggested that, if the Board were to approve the variance, they make sure that the variance was just for the structure being proposed that evening.

Chairman O'Connor asked the Board members for any further questions. They had none.

Chairman O'Connor asked for any public comments in favor or against the application. There were none.

Chairman O'Connor asked for a motion regarding Application #FY08-09-01. Mr. Rosenberg moved to approve Application #FY08-09-01, Owner/Applicant: Curtis J. Ruckey for a variance for the property located at 11 Smalley Road to reduce the front yard setback to 35 feet, where 60 feet are required. He went on to say that the variance was solely for the structure being proposed in the application and anything else would have to come before the Board for another variance. Mr. Lawsing seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman O'Connor asked for a motion to adjourn the meeting. Mr. Rosenberg moved to adjourn the meeting. Mr. Williams seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 7:15 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

ZONING BOARD OF APPEALS
Extract from the August 4, 2008 Meeting Minutes

Chairman O'Connor asked the Board for a motion regarding Application #FY08-09-02. Mr. Ruckey moved to accept Application #FY08-09-02, Owner/Applicant: Dean Del Rosso for a variance for the property located at 27 Circle Drive to reduce the driveway side yard setback to 6 feet, where 10 feet are required. Mr. Aspinwall seconded the motion. Mr. Rosenberg added to the motion by stating that the variance was solely for the improvements indicated in the application. Any additional changes shall require a return to the Board. It is not a permit to build; see the Building Department and Public Works Department for necessary permits required prior to site work. Ms. Rodriguez stated that, because there was already a curb cut, a Public Works permit was not necessary. All were in favor. The vote was 4 – 0, the motion was approved.