

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT ZBA MEETING

TOWN OF CHESTER, CONNECTICUT
ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, May 17, 2021
ZOOM Meeting

CALL TO ORDER

Chairman Blair called the meeting to order at 7:17 p.m. In attendance included: Bob Blair, Chairman, Michael Peck, Alex Stein, Vic Fetter, and Erik Anderson.

Also in attendance Sarah Williams, George Winter, Scott Jezek, John Schroeder, Bettie Perreault, Sarah Niemiroski, Paul Sinusas, Rebecca Sinusas, Attorney Jezek, and Roger Nemergut.

APPROVAL OF MINUTES

Mike Peck made a motion to approve the minutes from the April 19, 2021 ZBA meeting as presented. Vic Fetter seconded the motion. The motion passed with Alex Stein abstaining from the vote.

OLD BUSINESS

Application for Variance – 23 Old Depot Road – Bridget Chase/Jason Holtzman, Holtzman Design LLC, Agent – Variance of Section 60B – Required Characteristics, Side Lot Setback – Public Hearing Continued from 4/19/21 – At the request of the applicant, this item was postponed until the June ZBA meeting.

NEW BUSINESS – Public Hearings

Application for Variance - 32 Straits Road – Section 60B, - Required Characteristic, Side Setback – Public Hearing

The Public Hearing was opened at 7:21 p.m. Documents relative to the application were “screen shared”.

Mr. Schroeder, representing Joe and Sarah Niemiroski, reported that the split-level house was built in 1969 and is “angled” on the long, narrow lot. In August of 2020, the house caught fire (electrical back feeding issue from pole). The homeowners are working with the insurance company and other appropriate parties to re-build their home. Mr. Schroeder outlined the parameters of the project including a proposed additional garage bay. The design of the existing structure precludes the addition of a garage bay without going into the side yard setbacks. In addition, the grade slopes sharply from the rear of the property to the front as it passes the existing house location. The proposal calls for no changes to the footprint of the property and includes the removal of a deck that will reduce the non-conformity on that side of the house.

Mr. Schroeder was available to address questions/comments/concerns posed by ZBA members and members of the public including:

- The existing shed is not part of the project. Said shed was on the property when the current owners purchased the home.

Several letters of support received were read into the record as follows:

Dear Members of the Chester ZBA:

I am a neighbor of Sarah and Joe Niemiroski of 32 Straits Road and am writing this letter to support their requested variance for a reduction of their side yard setback for their property. I have reviewed the Niemiroski's building plans and believe that they conform to the character of the neighborhood and will improve what currently exists on the lot. In addition, it appears that the applicants would not be able to enhance their property with a garage bay without using space in the setback area as their side yard setbacks are disproportionately large for the narrow width of their lot.

I appreciate your consideration of my neighbor's application and look forward to seeing the improvements to their home and property when completed.

Sincerely,
Laurie Rubinow

Dear ZBA,

Our names are Debra and Raymond Flint and Sue C. Earle (29 Straits Road) and we are neighbors of Sarah and Joe Niemiroski of 32 Straits Road, Chester, CT. I am writing this letter in support of their requested variance. Their building plans conform to the character of the neighborhood and will be a nice improvement over what exists on the lot at this time. Allowing the proposed variance will not adversely impact me in any way.

We look forward to seeing the house completed and look forward to Sarah & Joe's return to the neighborhood.

Sincerely,

Debra and Ray Flint
Sue C. Earle

Dear ZBA,

I live at 34 Straits Road and am an abutting neighbor of Sarah & Joe Niemiroski of 32 Straits Road. I am writing this letter in support of their requested variance for a reduction of their side yard setback for the property at 32 Straits Road. Allowing the proposed setback will not adversely impact me or the character of the neighborhood. Further, their lot is very narrow and steep, so I see no feasible way for them to add the garage bay without encroaching on the setback.

Their building plans will be a great improvement over what exists on the lot and will add to the character of the neighborhood.

Thank you for your consideration.

Sincerely,

Suellen Sonosky

Mr. Schroeder reported that several additional letters of support (from neighbors Mixon, Smith, Strauss, Sepowski, Muller and O'Neil) were forwarded to the ZEO; however, these letters were not forwarded to Chairman Blair.

Mr. George Winter, neighboring property owner, expressed disappointment in the late notice he received relative to the project as his property abuts the Niemiroski's property. He requested that he be permitted to "walk" the property to determine any potential impact to his property.

Ms. Niemiroski reported that she physically went to every neighboring property to discuss the proposal. She was unable to locate Mr. Winter to discuss the plans.

Chairman Blair reported that if Mr. Winter were to "walk" the property, the ZBA's decision relative to the variance would have been delayed. Mr. Schroeder objected to any delay in the project. Documents showing the elevation of the property were "screen shared" and Mr. Schroeder provided further details on the project. Mr. Schroeder continued that he did have a discussion with Mr. Winter this morning and all applications and drawings relative to the project were forwarded to Mr. Winter.

Mr. Winter reiterated his disappointment in the process but agreed that there would be little to no impact if the proposed project proceeds.

Mr. Schroeder confirmed that the proposed project will have no impact on the well and septic on the property.

Alex Stein made a motion to close the Public Hearing at 8:00 p.m. Vic Fetter seconded the motion. The motion passed unanimously.

ZBA Deliberation

Bob Blair reported that the proposed is a typical situation; i.e., non-conforming property. If this was in a 1-acre zone, a 20 ft. setback would be required instead of the 40 ft. as is applied to the property at this time. In addition, the proposal calls for a reduction of non-conformity on one side with a small increase of non-conformity on the other side. Also, because the shed has been on the property for more than 3 years, it will not be an issue.

Chairman Blair thanked Mr. Winter for his comments and apologized for any lack of or miscommunication relative to the project.

Bob Blair made a motion to approve the request for a variance as presented at 32 Straits Road. Alex Stein seconded the motion. The motion passed unanimously.

Application for Variance – 15 Sunset Avenue – Variance of Section 60B – Required Characteristics – Side Lot Setback – Open Public Hearing

The Public Hearing was opened at 8:07 p.m. Documents relative to the application were "screen shared".

Attorney Jezek, representing the applicant (Perry) and Roger Nemergut, P.E., outlined the parameters of the proposed project.

The home, 15 Sunset Ave., is located in a subdivision and that built in the 1980's. At that time, the area was in an R1 Zone. The zone has since been changed to an R2 zone. The property has frontage on Bokum Road and is accessed, along with several other homes, off of Sunset Ave. by a right of way. These homes are accessed via Sunset Ave. because of the topography of the area; including steep slopes.

The single-family residence was built in 1984 and a detached garage/barn was built in 1990. The proposal is to use the Accessory Apartment regulations to allow the garage/barn to be converted to living space and to add a two-car garage on to the west side of the existing structure.

The owners are requesting a variance of the following Zoning Regulations:

- Section 60B – required characteristics
- Section 60A 2(N) – accessory dwelling unit
- Section 50D – extension or expansion of non-conforming improvement

The proposed addition of a dormer is considered an expansion of a non-conforming building. No additional major changes are proposed for the existing barn/garage structure (just the dormers).

As reported above, the topography of the land and existing contours determined the location of the house when it was originally built.

Attorney Jesek reported that aside from the proposed dormers, this is a permitted use and will not affect the Town's Zoning plan. In addition, when the structure was built, it was intended that the barn/garage would at some point convert into an accessory apartment. At that time, this was a permitted use within the Zoning regulations. Subsequent changes to the Zoning regulations made this non-conforming.

A letter of support from a neighboring property owner was included in the applicant's file. In addition, Mr. Nemergut, P.E., reported that when you look at the parcel, there are no houses nearby the property line and any impacts in terms of neighbors are minor.

Soil testing, in conjunction with CHRAD, was performed prior to submitting this application. The original home will use the existing well and septic system and the accessory apartment will have a new well and septic system installed.

No additional comments were received from the public.

Alex Stein made a motion to close the Public Hearing at 8:25 p.m. Mike Peck seconded the motion. The motion passed unanimously.

ZBA Deliberation

Bob Blair commented that at the time of construction, what is now proposed was permitted within the zoning setbacks. Due to changes in Zoning regulations, it became non-conforming. In addition, while the property is large, the slopes/topography determined the placement of the home.

No ZBA member spoke against the request for a variance.

Mike Peck made a motion to approve the request for a variance as presented at 15 Sunset Ave. Vic Fetter seconded the motion. The motion passed unanimously.

Receipt of New Applications

Application for Variance: 16 Railroad Ave. – Section 60B, Required Characteristics – Side & Rear Setbacks (Receive application and schedule Public Hearing)

The Public Hearing for the above referenced property was scheduled on June 21, 2021.

OTHER BUSINESS

Bob Blair will discuss possible ZBA member training with the ZEO. It is anticipated that as the Pandemic subsides, the State may offer training.

ADJOURNMENT

Erik Anderson made a motion to adjourn the meeting at 8:37p.m. Alex Stein seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski
Clerk