

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT ZBA MEETING

TOWN OF CHESTER, CONNECTICUT
ZONING BOARD OF APPEALS
SPECIAL MEETING
Monday, May 22, 2023
Chester Town Hall
Meeting Room

CALL TO ORDER

Chairman Blair called the meeting to order at 7:02 p.m. A quorum was established with the following Board members present: Bob Blair, Alex Stein (seated for John DeLaura), Vic Fetter, Paul Radicchi (seated for Mike Peck) and Erik Anderson. Also in attendance: Kim Kellogg and Rick Hosley.

PUBLIC HEARINGS ON APPLICATIONS – Request for Variance to Section 60B of Chester Zoning Regulations (setbacks) at 10 Spring Street (Map 14, Lot 337). Applicant: Richard M. Hosley & Kimberly H. Kellogg (continued from April 2023 ZBA meeting).

As discussed at the April 17, 2023 meeting, the applicants wish to demolish an existing dilapidated garage and rebuild and expand the structure.

At the April ZBA meeting, Board members requested clarification on the following items:

- Any “agreement” the applicant may have with the Town/BOS regarding the status of the existing retaining wall. A copy of a letter from Jacobson and Associates was included in the Board packet and states, in part: “It was the Selectmen’s opinion that the condition of the Spring Street retaining wall should not be a consideration for the requested variance, that there is no quid pro quo commitment by the Town, and that the condition of the existing Spring Street retaining wall is a separate issue that the Town will address after the ZBA decides the merits of the requested variances for the building location, size, height and use”.
- An e-mail, written by John Guskowski, Zoning Compliance Officer, was included in the Board’s packet. This letter clarifies the presence or absence of a bathroom in the proposed (expanded) garage. The e-mail states, in part: “...the presence or absence of a bathroom has nothing at all to do with ZBA’s review of the application. Mr. Hosley is requesting a structural/area variance for the accessory structure. That’s the scope of the application and review”.
- A letter from neighbors, expressing support for the project was included in the Board’s packet. Note that Ed Meehan is a neighbor but, as a Selectman, could not sign the letter.
- The A2 Survey was updated to show the double silt fence and the removal of the chicken coop.
- Clarification on setbacks was provided.
- As an historical note only, the minutes from the 2000 ZBA meeting approving a variance relative to a carport (that was never built) were briefly discussed. That approval does not affect the current application.

The Board discussed the application at length. Ms. Kellogg and Mr. Hosley were available to address questions/comments posed by Board members. Discussion of note:

- The location of the property is an R1 zone and is perhaps zoned incorrectly.
- It is a pre-existing, non-conforming lot.
- It is the first property outside of the Village District

A comprehensive Power Point presentation was provided at the April 17, 2023 ZBA meeting. The applicants reported this evening that the architectural renderings of the garage are preliminary and were developed for the ZBA application. These designs may be modified to conform with the neighborhood. Much of the proposed garage will be below street level and will not be visible. Their goal is to keep within the character of the homes in the area. The proposed construction will not block any neighbor's views from Spring Street to the pond.

APPROVAL OF MINUTES

Vic Fetter made a motion to approve the minutes of the 4/17/23 ZBA meeting as presented. Erik Anderson seconded the motion. The motion passed unanimously.

Alex Stein made a motion to close the Public Hearing. Vic Fetter seconded the motion. The motion passed unanimously.

REVIEW AND DECISIONS ON PUBLIC HEARING PROCEEDINGS

Board members deliberated on the application. Areas of discussion included:

- The location of the property is an R1 zone and is perhaps zoned incorrectly.
- It is a pre-existing, non-conforming lot.
- It is the first property outside of the Village District
- Topography of land is problematic – walls, “drop-offs”.
- Inland Wetland considerations.

Areas of concern included:

- The huge encroachment on the set-back and close proximity to the road.
- The request is for permission to quadruple the size of the garage including an additional level and entrance.
- The proposed height of the new garage (approx..2.5 stories).
 - Note that height restrictions/requirements are not within ZBA's purview.

Alex Stein made a motion to close the deliberation portion of the meeting. Erik Anderson seconded the motion. The motion passed unanimously.

Alex Stein made a motion to approve the request for a Variance to Section 60B of Chester Zoning Regulations (setbacks) at 10 Spring Street (Map 14, Lot 337) based on the hardship of the topography of the property, the imposition of zoning and in consideration of Inland Wetland and the applicant's removal of a non-conforming existing structure at the property. Discussion followed.

Board members again expressed concern about the height of the proposed structure as well as the large encroachment into the set-back.

Vote on the motion: Paul Radicchi, Alex Stein and Bob Blair voted in favor of the motion. Erik Anderson and Vic Fetter voted against the motion. The motion DID NOT pass (4 votes in favor are necessary).

The meeting recessed at 8:06 p.m.

The meeting resumed at 8:19 p.m.

NEW BUSINESS – None.

OTHER BUSINESS – Board members discussed the importance of providing availability for

attendance at Board meetings. A TEAMS link will be provided at future ZBA meetings.

ADJOURNMENT

Alex Stein made a motion to adjourn the meeting at 8:20 p.m. Erik Anderson seconded the motion. The motion passed unanimously.

Respectfully submitted,

Suzanne Helchowski
Clerk