

**TOWN OF EAST WINDSOR - ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
JULY 2, 2012**

The East Windsor Zoning Board of Appeals held a meeting on Monday, July 2, 2012 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Scott Morgan, James Stremper and Thomas Talamini; and Alternate Members Mystica Davis, Nolan Davis and David Menard.

The meeting was called to order at 7:30 p.m. by Chairman José Giner. Mr. Stremper read the legal notice as it appeared in publication.

ESTABLISHMENT OF QUORUM:

A quorum was established as four regular members and all three alternates were present. Mr. Giner indicated that Mystica Davis would be sitting in for the absent regular member.

NEW HEARINGS:

ZBA #2012-04 - Application of M. Trevor Bray for property located at 4 Norton Road for a variance of Section 404 Permitted Accessory Uses, subsection (k)-Request to have an Additional Four Car Garage for the Storage of Antique Cars, where a private garage for no more than 4 cars is allowed. R-2 Zone, Assessor's Map 76, Block 32, Lot 7.

M. Trevor Bray came forward to explain his application. He said he wants to construct a four-bay garage for storage of antique vehicles. He referred to plans of the property and pointed out where he wants to place the building. Mr. Bray noted that he already has one garage and another storage building. He presently has five cars in one building and three in another. Mr. Giner asked about a hardship. Mr. Bray said the hardship would be that he didn't want to have antique cars outside in the elements. He said he has had the property for about 9 to 10 years.

Mr. Talamini asked about the size of the garage. Mr. Bray answered that it would be about 24' x 40'. Mr. Giner said he was trying to get his hands on the reason this is a hardship that is unique to the property. Mr. Giner also asked about lot coverage. It was determined that about 8,364 sq. ft. would be allowed and the existing coverage is about 5,294 sq. ft. He asked if the existing shed on the property is staying. Mr. Bray responded that it would be staying. Mr. Giner noted that the regulations say you can have a garage limited to a four-car garage. The applicant already has storage for eight cars and is asking for four more.

Mr. Giner suggested that maybe this is something that the Planning and Zoning Commission could address with a Special Use Permit. He said he was having a hard time finding a legal hardship. It is not unique to the property.

Mr. Giner opened up the hearing to the public. No one came forward to speak.

MOTION: To close the hearing on **ZBA #2012-04**. Morgan / Talamini / Unanimous

MOTION: To approve **ZBA #2012-04** in accordance with the plans submitted for a 24' x 40' four-car garage. Stremper / Talamini

Discussion and Vote:

Mr. Talamini said he didn't see the hardship. Mr. Giner noted that variances stay with the property forever. He said there is a reason that they limit it to four cars. With more than that, they can become businesses. From a legal point of view, there is no hardship. He said this is more of a use variance. Mr. Giner said maybe this is something that the Planning and Zoning Commission can legislate. He suggested asking them if they would be willing to amend the regulations to allow more than a four-car garage with a Special Use Permit. They can put limitations on them.

In Favor: None

Opposed: Unanimous

ZBA # 2012-05- Application of Kevin Clynch for property located at 123 Phelps Road for a variance of Section 403 Permitted Accessory Buildings & Structures, subsection 1 which allows for accessory structures in the rear and side yards. Variance request is to allow the placement of an above ground swimming pool in the front yard. R-3 Zone, Assessor Map 054, Block 20, Lot 051D.

Kevin Clynch came forward to explain his application. He said he is looking to have a 24-foot round above-ground pool. He indicated that their property has 8 ½ acres. Mr. Clynch said the hardship is that the house was built in 1986 and they put the house in the back of the property. He said there is a well in the back and if they put the pool in the back yard it would be too close to the well. Mr. Clynch presented photos of his property, showing where they want to locate the pool. He noted that the pool would be 390 feet from the road. He said you really couldn't see it from the road. He pointed out that the front of the house is facing the back of the property. Mr. Clynch indicated that they have approval for the pool from the North Central District Health Dept.

Mr. Giner noted that this pool is further back than it would be on almost any other lot. Mr. Clynch noted that some of the pools on his street are about 60 feet from the road. Mr. Giner said the purpose of that regulation is to have visual privacy. He said you definitely wouldn't be able to see it from the road.

Mr. Giner opened up the hearing to the public. No one came forward to speak.

MOTION: To close the hearing on **ZBA #2012-05**. Talamini / Morgan / Unanimous

MOTION: To approve **ZBA #2012-05** for property located at 123 Phelps Road for a variance of Section 403 Permitted Accessory Buildings & Structures, to allow the placement of an above ground swimming pool in the front yard, in accordance with the plans presented. Stremper / Morgan

Discussion and Vote:

Mr. Giner said in this case it is a unique situation. They have a house that is set well back from the road, more than the surrounding neighbors. He said they have the front of the house facing the back. It appears that it will not be visible. He said he house is set back in such a way that it makes it difficult to place the pool in accordance with the regulations.

In Favor: Unanimous

OTHER BUSINESS:

There was no other business.

PUBLIC PARTICIPATION:

There was no public participation.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of June 4, 2012. Morgan / Talamini

In Favor: Morgan; Talamini; Stremper; Giner

Abstain: M. Davis

ADJOURNMENT:

MOTION: To adjourn. Stremper / Morgan / Unanimous

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary