

TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
DECEMBER 4, 2017

The East Windsor Zoning Board of Appeals held a meeting on Monday, December 4, 2017 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Nolan Davis, Scott Morgan and Tom Talamini, and Alternate Member Robert Yosky. The meeting was called to order by Chairman José Giner at 7:05 p.m.

ESTABLISHMENT OF QUORUM:

A quorum was established as four regular members and one alternate member were present. It was determined that Robert Yosky would be sitting in as a voting member.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited. Mr. Talamini read the Legal Notice as it appeared in publication. Chairman Giner explained the procedure for the public hearing and noted that it takes four votes in favor to approve a variance.

NEW HEARING:

ZBA #2017-07 – Application of Fred S. Falcone, representing Hillside Farms Association, for property located on Hillside Farms Drive, for a variance of Section 800.7 *Bulk & Area Requirements in Age Restricted Housing District (ARHD)* and Section 800.8g. *Architectural Features*, to allow the placement of a 160 sq. ft. maintenance shed to be located 20 ft. from the side property line where 40 ft. is the minimum requirement and 25 ft. from the front property line where 50 ft. is the minimum requirement, and where no detached storage sheds are permitted in the ARDH zone. [ARHD zone; Map 98, Block 53, Lot 16]

Mr. Falcone came forward to explain his application. He stated that he lives at 25 Hillside Farms Road. He sits on the Board of Directors of the Association. He said they are requesting a variance to allow the association to place a 10' x 16' Kloter Farms storage shed that will be used for property maintenance.

Mr. Falcone explained that Hillside Farms is a 55 and over community with 37 single-family detached homes. It is managed as a condominium association. The exterior of the homes and all of the grounds are maintained by the association. Mr. Falcone said after several years the association realized that they have no central area to house their yard tools, maintenance tools and archival records. They are in great need to have some type of central location to house these things.

Mr. Falcone explained that they are seeking two variances. Section 800.8g. states that no detached storage sheds are permitted. He said he believes the intent was to restrict unit owners from placing all of these types of buildings for their own personal use. He said they have that in their by-laws. The association wants to place this shed for their use only. He said he believed that at one time

there was supposed to be a clubhouse there. The second variance (Section 800.7) asks for relief of the 40 foot side yard and 50 foot rear yard requirements. Mr. Falcone referred to several different plans of the site and explained that there is a walking trail along the property. At the southeast corner there is a cluster of trees. He said they felt that by placing the shed in that area it would screen it and conceal it from the neighbors and give access to it from the walking trail. This is the largest area and it will not be placed behind any one building.

Mr. Yosky asked who will have access. Mr. Falcone said only the five members of the association board will have access. It was brought up to the board and they have no objections. The association will keep control of all of the maintenance equipment. There won't be any lawn mowing equipment and no power equipment stored in the shed. Mr. Falcone said they often have to replace things like mail boxes and shutters and they keep some extra building material. Those things will be stored in the shed. He noted that many other developments like this have a building for storage.

Mr. Davis asked if any trees would have to be taken down. Mr. Falcone replied that they don't have to take down any trees. They have direct access from the stone dust trail. Mr. Giner questioned what the setback requirement is for sheds in other residential areas. It was noted that the requirement is 10 feet from the side and 10 feet from the rear property lines. It was also noted that this doesn't require a building permit because it is under 200 sq. ft. Mr. Talamini asked if paint would be stored there. Mr. Falcone said there won't be any paint stored there. Also there won't be any heat or electricity.

Mr. Giner said their interpretation of the regulations seems logical that they didn't want 37 individual sheds to be put up. They didn't put anything in the regulations about a common shed. He asked Mr. Falcone if he approached the Planning and Zoning Commission about changing the regulations. Mr. Falcone said he didn't want to have an application to change the regulations for one shed.

Mr. Morgan asked if there is any other area on the property where they could put the shed. Mr. Falcone referred to an overview of the property. He said anywhere else someone would be looking directly at the shed. He said they met with the residents and there was no objection from them.

Chairman Giner opened up the hearing to the public.

Priscilla Allard, of 83 Depot Street, expressed concern that she will be directly behind the unit where they are proposing to put the shed. She also submitted a letter expressing concern. Mr. Giner pointed out that the shed will not be located near her property. Ms. Allard said since it is nowhere near her property she will have no objection.

Lauria Donato, of 24 Hillside Farms Road, President of the association, said there is a water problem in one area of the site. When they had the Halloween snow storm of 2011 and they lost electricity, the management company located two generators to keep the sump pump going. After that, the association had nowhere to store the generators. He said they want to have the ability to have access to generators in the event of a power outage.

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MOTION: To close the hearing on **ZBA #2017-07**. Morgan / Davis / Unanimous

MOTION: To approve **ZBA #2017-07** – Application of Fred S. Falcone, representing Hillside Farms Association, for property located on Hillside Farms Drive, for a variance of Section 800.7 *Bulk & Area Requirements in Age Restricted Housing District (ARHD)* and Section 800.8g. *Architectural Features*, to allow the placement of a 160 sq. ft. maintenance shed to be located 20 ft. from the side property line where 40 ft. is the minimum requirement and 25 ft. from the front property line where 50 ft. is the minimum requirement, and where no detached storage sheds are permitted in the ARDH zone. Approved in accordance with plans submitted. [ARHD zone; Map 98, Block 53, Lot 16]. Morgan / Davis

Discussion and Vote:

Mr. Davis said he thinks it is a good project and should be approved. Mr. Talamini said he had a few concerns about paint storage. He was also concerned that it will become a collect-all. He said if you have storage space you will fill it. Mr. Yosky expressed concern about things being stolen. Mr. Morgan said if there was another place for the shed to go he would suggest going to the PZC with it. Mr. Giner said he had the same concern. He said there is a hardship on the association to be able to store things. If this was a regular residential lot there would be no problem. The shed is under 200 sq. ft. so they won't need a building permit. It is pretty well screened. He said he would strongly recommend that the PZC should address how to accommodate storage structures for these types of developments.

In Favor: Unanimous

OTHER BUSINESS:

• **Election of Officers:**

MOTION: To nominate José Giner as Chairman. Morgan / Davis / Unanimous

MOTION: To nominate Nolan Davis as Vice Chairman.
Morgan / Talamini / Unanimous

MOTION: To nominate Tom Talamini as Secretary. Morgan / Davis / Unanimous

• **2018 Meeting Schedule:**

MOTION: To approve the 2018 meeting schedule. Morgan / Davis / Unanimous

PUBLIC PARTICIPATION

No one requested to speak.

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APPROVAL OF MINUTES:

MOTION: To approve the minutes of September 11, 2017.

Talamini / Morgan / Unanimous

ADJOURNMENT:

MOTION: To adjourn.

Morgan / Davis / Unanimous

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,
Marlene Bauer, Recording Secretary