January 7, 2014

The Town of Monroe Zoning Board of Appeals (ZBA) held a regular scheduled meeting, commencing at 7:30 pm on Tuesday, January 7, 2014, in the Council Chambers, Monroe Town Hall, 7 Fan Hill Road, Monroe, Connecticut.

MEMBERS PRESENT:  
James Wendt, Chair  
Paul Lisi, Member  
Marion Callo, Secretary (arrived at 8:10 PM)  
Anthony Testo, Member  
Robert N. Saraco, Jr., Member

ALTERNATES PRESENT: Domenic Paniccia, Alternate

ABSENT: Matthew Levinson, Alternate

STAFF PRESENT: William Agresta, AICP, MLA, Planning and Zoning Administrator (Town Planner)

A. CALL TO ORDER

Chair Wendt called the meeting to order at 7:30 PM.

B. ROLL CALL AND SEATING OF ALTERNATES (if required)

Chair Wendt, Members Lisi, Saraco, Testo and Alternate Member Paniccia were present and voting for this meeting (Marion Callo arrived late at approximately 8:15 PM and was seated shortly thereafter).

Alternate member(s) seated: Domenic Paniccia (was seated until Marion Callo’s arrival later in the meeting).

C. ELECTION OF OFFICERS

Upon motion by Paul Lisi, seconded by Anthony Testo, to table the Election of Officers until all members would be present, the Board voted five (5) in favor and none (0) opposed, motion carried.
D. **ACCEPTANCE OF 2014 ZBA MEETING SCHEDULE**

Upon motion by Anthony Testo, seconded by Paul Lisi, to accept and set the 2014 Meeting Schedule as drafted, the Board voted five (5) in favor and none (0) opposed, motion carried.

E. **PUBLIC HEARING**

Chairman Wendt read the notice of public hearing for the following application:

- **13-8-ZBA – 55 Karen Drive (RF-1 District) – Tax Assessor Map 96, Lot 40**
  Application of Jay Keillor for an area variance of §3.1.5(A) of the Zoning Regulations to permit a lot frontage of 110.59 feet in lieu of the required 150 feet relating to the proposed construction of a single family dwelling.

**Representing the application – (Owner/Applicant) Jay Keillor, Land Engineering and Surveying**

Mr. Keillor reviewed the history of the subject property, noting that a good summary was also included in the Town Planner’s review memorandum. The original lot was established with the filing of a 1955 map (was Lot 10 on said map), which filing predated the Town’s Subdivision Regulations but not its Zoning Regulations. The Zoning Regulations at the time required a minimum of 1 acre and 150 feet of street frontage for a building lot, of which both were represented on the 1955 map. However, as it turns out, the subject parcel did not actually have 150 feet of frontage based on a more accurate contemporary survey completed in 2001. Mr. Keillor noted that survey standards of 1955 were not what they are today. When this and several surrounding lots were re-surveyed in 2001, they were found to have the required acreage but not the required lot frontage. Due to the current regulations a variance is being requested due to the fact the lot frontage does not meet the 150 foot requirement.

Mr. Keillor explained that the 2001 survey resulted in a lot line revision map which was filed involving the subject parcel and an abutting lot (Lot 11 from the original 1955 map). The reason for the lot line revision filing was to provide dry upland for building purposes on Lot 11 since the original 1955 Lot 11 consisted nearly of all wetlands,. The lot line revision map also provided compliance with the then and current standards of minimum square and ratio of wetlands to uplands on both reconfigured Lots 10 and 11. The lot line revision also conveyed an access easement across Lot 10 in favor of Lot 11 to permit a driveway which would be a single shared driveway across site wetlands and watercourse resources serving both Lots 10 and 11. The lot frontages on both lots, which both were less than 150 feet, remained unchanged by the lot line revision map. However, at the time the Zoning Regulations authorized the issuance of a Zoning Permit and Building Permit for “lots of record” which did not comply with lot frontage requirements. Lot 11 was subsequently developed with a single family dwelling and a driveway across Lot 10 (this driveway will be shared with the present proposed development of Lot 10). The Zoning Regulations were amended much time later, effective October 1, 2013, to no longer except the lack of lot frontage on lots of record, thereby the need for the current area variance application.
The Town Planner provided a quick overview of his review memorandum, noting his recommendations in regard to clarifying the submitted plans among other recommendations. The Town Planner noted that the applicant presently also had a separate pending application for a Wetland Permit regarding the development of Lot 10. It was also noted that the common driveway with Lot 11 was created in 2001 by a single sentence in the conveyance deed referring to the filed lot line revision map (but with a different title and without actually showing the driveway location as was noted in the deed) without a maintenance agreement. The applicant concurred that he was not aware of any formal maintenance agreement. The Town Planner suggested that a maintenance agreement be provide to avoid future confusion or disagreement in this regard. The Town Planner also suggested that a condition of filing any variance approval should be contingent on providing a copy of the needed Wetland Permit.

The Board discussed with the applicant the suggestions set forth in the Town Planner’s memorandum, to which the applicant only took issue with the requiring of a maintenance agreement for the existing shared driveway arrangement between Lots 10 and 11, noting that the easement exists, the driveway exists and the applicant did not want the owner of Lot 11 to essentially inhibit or hold up his ability to build on Lot 10 by simply not agreeing to a maintenance agreement and to the responsibilities which are already required but not formally established by the existing easement. Chairman Wendt noted that he wasn’t sure that the maintenance agreement was within the purview of the Board’s review of the lot frontage variance. He also clarified with Mr. Keillor that the only reason this required a variance was due to the recent changes in the Zoning Regulations, to which Mr. Keillor respond that was correct. The consensus of the Board was that they would not impose a condition regarding the maintenance agreement but were in an agreement same should be pursued by the applicant.

In the course of the Board’s review, it was determined that an additional area variance potentially would be necessary in regard to setback from the existing access easement (§3.1.6A) should the applicant not have sufficient building area to reorient the proposed house given the added setback requirement. To which, the applicant asked the Board to adjourn the current application and public hearing so he may amend his application accordingly. It was also suggested that this would provide time for the applicant to pursue the abutting owner of Lot 11 in regard to concurrence on the location of the access easement and in regard to maintenance.

Public Comment:

There was no public in attendance, nor any written or verbal public comment.

Closure of Public Hearing

The hearing was not closed, rather following the request of the applicant, upon motion of Anthony Testo, seconded by Robert Seraco, to table (adjourn) the application review and hearing to the next meeting so the applicant may amend and re-notice its application to include an additional area variance request relating to setback from an access easement, the Board voted five (5) in favor and none (0) opposed, motion carried. The hearing was adjourned to the next month’s meeting pending an amended application and appropriate re-noticing.
Marion Callo having arrived during the above public hearing was at this time seated thereby unseating Alternate Domenic Paniccia.

F. REGULAR MEETING

Election of Officers (revisited):

Chairman Wendt asked the Board to go back to the Election of Officers given that with Marion Callo’s presence that all Board members were now present:

**Election of Chair**
Upon Motion by Anthony Testo, seconded by Marion Callon, to nominate and elect James Wendt as Chair, the Board voted five (5) in favor and none (0) opposed, motion carried.

**Establishment and Election of Vice Chair**
Upon motion by Marion Callo, seconded by Anthony Testo, to establish a Vice Chair position and to nominate and elect Paul Lisi as Vice Chair, the Board voted five (5) in favor and none (0) opposed, motion carried.

**Election of Secretary**
Upon motion by Anthony Testo, seconded by Robert Seraco, to nominate and elect Marion Callo as Secretary, the Board voted five (5) in favor and none (0) opposed, motion carried.

Minutes:

**Minutes of November 5, 2013**
Upon motion by Anthony Testo, seconded by Paul Lisi, to approve the minutes of November 5, 2013, the Board voted five (5) in favor and none (0) opposed, motion carried.

Deliberations on Completed Hearings:

**None**

G. ADJOURNMENT

Upon motion by Anthony Testo, seconded by Marion Callo, to adjourn the meeting, the Board voted five (5) in favor and none (0) opposed, motion carried. The meeting was adjourned 8:40 PM.

Respectfully Submitted,
William Agresta, AICP, ZBA Clerk