The Town of Monroe Zoning Board of Appeals (ZBA) held a regular scheduled meeting, commencing at 7:30 pm on Tuesday, October 1, 2013, in the Council Chambers, Monroe Town Hall, 7 Fan Hill Road, Monroe, Connecticut.

MEMBERS PRESENT: Paul Lisi, Member – Acting Chair
Marion Callo, Secretary
Anthony Testo, Member

ALTERNATES PRESENT: Pedro Villanueva, Alternate - Seated

ABSENT: James Wendt, Chair
Carl Ferraro, Member
Matthew Levinson, Alternate
Domenic Paniccia, Alternate

STAFF PRESENT: William Agresta, AICP, Planning and Zoning Administrator

A. CALL TO ORDER

Acting Chair Paul Lisi called the meeting to order at 7:30 PM.

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

Acting Chair Lisi and Members Callo, Testo, and Alternate Member Villanueva were present and voting for this meeting.

Alternate member(s) seated: Villanueva.
C. PUBLIC HEARINGS

Secretary Callo read the notice of public hearing for the following application:

13-5-ZBA 40 Dingley Dell (RC District)
Application of Arthur and Pamela O’Leary seeking “authorization” pursuant to Chapter 232, Building Construction, §232-2(B), in regards to the issuance of a Certificate of Zoning Compliance and Building Permit relating to an existing parcel located within an RC District, as shown on the Monroe Tax Assessor Map No. 69, Lot 3.

Present at public hearing for applicant:

David Bjorklund, Spath-Bjorklund Associates
Property owners Arthur & Pamela O’Leary

David Bjorklund: Reviewed for the ZBA the criteria included in Chapter 232 pertinent to the application, specifically the provisions set forth in §232-3(B). Mr. Bjorklund explained that an application can be made to the ZBA and the ZBA could grant “authorization” for the issuance of a Certificate of Zoning Compliance and Building Permit. The applicant was seeking such authorization to permit such issuance at a later date.

Mr. Bjorklund explained that the applicant intends to demolish and replace an existing dilapidated home on the property by rebuilding at a future date uncertain a new house in a different location on the parcel in compliance with applicable zoning setbacks and building/health district requirements. Mr. Bjorklund then went through each criteria in §232-3(B) explaining how the application was consistent with each.

- The subject property has existed since June, 1948 (Volume 3, Page 612), thus existing prior to April 9, 1981 as demonstrated by recorded deed.
- The subject property was not created by a subdivision and its access via the private right-of-way, as well as the width of the right-of-way, are preexisting conditions which the applicant cannot alter. Mr. Bjorklund explained that a parcel should appear on a map filed with the Town Clerks office and abut a fifty (50) foot right-of-way. The application parcel does not appear on a map on file with the Town Clerk’s office, does not abut a fifty (50) foot right-of-way; instead abuts a thirty (30) foot right-of-way. This is the reason the application is before the Board.
- The subject property complies in all respects with the applicable minimum lot area standards for lots in an RC District, and a new dwelling on the subject property can be sited and built in compliance with applicable bulk requirements of the underlying RC District, resulting in removal of the presently non-conforming house located in the setback area.
- The existing nonconforming house would be eliminated and a new house built in compliance with applicable building, fire, health and zoning requirements. Correspondence from the Trumbull Monroe Health District dated September 23, 2013 reports that “The lot can support an onsite sewage disposal system that meets the Connecticut Public Health Code.”
- The subject property has deeded access rights to the existing right-of-ways, including Dingley Dell.
- Emergency access is presently sufficient, noting that Dingley Dell presently serves eight (8) homes.
- Maintenance of Dingley Dell and the associated other access right-of-way are maintained presently by the homeowners served by those rights-of-ways, noting that the Town provides grading and snow plowing of Dingley Dell.
- The existing house in the setback area would be replaced in the future with a new house respective of applicable zoning, building and health requirements and standards.

Mr. Bjorklund explained that the owners do not intend to build on the property in the near future, but are concerned that should they take down the existing dilapidated home on the property that they would lose the right to rebuild in the future. That is why they are seeking ZBA authorization for the issuance of a Certificate of Zoning Compliance and Building Permit be granted and filed in the Town Land Records so that these can be obtained at a later date.

There was discussion regarding the following issues:

- Driveway access
- Orientation of the house
- Legal notice
- Right-of-way, deeds
- New Construction meeting regulations guidelines at the time of construction

Will Agresta, Planning and Zoning Administrator, read the list of Exhibits 1-2 into the record.

Public Comment:

There were no public attendees thus no public comments on the application.

Close of Public Hearing:

The ZBA having no further questions or comments, unanimously closed the public hearing. Motion to close the public hearing made by Testo, seconded by Villanueva, Vote 4-0 in favor to close.

D. REGULAR MEETING

Minutes: – May 7, 2013

Consideration of the draft minutes pertaining to the May 7, 2013 meeting was tabled.
Deliberations on Completed Hearings:

**13-5-ZBA  40 Dingley Dell (RC District)**
Application of Arthur and Pamela O’Leary seeking “authorization” pursuant to Chapter 232, Building Construction, §232-2(B), in regards to the issuance of a Certificate of Zoning Compliance and Building Permit relating to an existing parcel located within an RC District, as shown on the Monroe Tax Assessor Map No. 69, Lot 3.

The ZBA discussed the application and determined its consistency with the criteria set forth in §232-3(B), thus deciding to approve the request for “authorization” of the issuance of a Certificate of Zoning Compliance and a Building Permit for the approximately 3.781 acre parcel as shown on the Monroe Tax Assessor Map No. 69, Lot 3, described by deeds filed on the Monroe Land Records at Volume 193, Page 183-184, Volume 1777, Page 008-010 and Volume 1813, page 278, subject to compliance with all regulations and requirements effective at the time of applications for a Certificate of Zoning Compliance and Building Permit excepting direct public street frontage pursuant to the standards and provisions set forth in §232-3(B), Building Construction of the Code of the Town of Monroe.

Upon motion by Anthony Testo and seconded by Pedro Villanueva, the ZBA voted to approve (4 in favor, none opposed) said application per the plans and other application materials submitted, as follows:

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<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Marion Callo</td>
<td>Secretary</td>
<td>AYE</td>
</tr>
<tr>
<td>Anthony Testo</td>
<td>Member</td>
<td>AYE</td>
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<tr>
<td>Paul Lisi</td>
<td>Member</td>
<td>AYE</td>
</tr>
<tr>
<td>Pedro Villanueva</td>
<td>Seated Alternate</td>
<td>AYE</td>
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E. **ADJOURNMENT**

A motion to adjourn the meeting was made by Member Testo, seconded by Member Callo. Motion carried on a 4-0 vote. The meeting was adjourned 8:50 pm.

Respectfully Submitted,

William Agresta, AICP, ZBA Clerk