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Zoning Board of Appeals Meeting

Monday, August 2, 2021 – 7:00 p.m.
Zoom Meeting

(Unapproved)

ATTENDANCE

Board Members Present: Chairman Noah Eisenhandler, Pat Panza, Gregory Natalino, Cathy Bradley, and Matt Pickering (Zoom attendance)

Board Members Absent: David Crow

Staff: Jack Demirjian, Planning and Zoning & Wetlands Officer; Bonny Syat, Public Stenographer; Deborah Satonick, Recording Secretary

Chairman Eisenhandler welcomed everyone to the August 2, 2021 Zoning Board of Appeals meeting and called the meeting to order at 7:00 p.m. He proceeded to introduce the Board members, Ms. Syat, Public Stenographer; and Ms. Satonick, Recording Secretary. Chairman Eisenhandler explained that four positive votes are needed to approve a variance request. All correspondence must be read into the record, and approved variances must be recorded on the land records within one year of approval. Mr. Eisenhandler stated that all present would be given an opportunity to speak, if they so desired. The applicant would present the case, and anyone in favor of the variance would first be allowed to speak. Any opposition would then be heard, and a final rebuttal would be allowed. All five members in attendance would be voting this evening.

Chairman Eisenhandler took a moment to give recognition and thanks to Rudolph Miller for his many years of service to the Town of Orange.

1. Review and Approval of Minutes – June 7, 2021

Mr. Panza made a motion to approve the June 7, 2021 Zoning Board of Appeals minutes, seconded by Mr. Natalino. The vote was recorded as follows: Mr. Natalino, aye; Mr. Pickering, aye; Mr. Panza, aye; Ms. Bradley, aye; and Chairman Eisenhandler, aye. All were in favor and the motion PASSED.

PUBLIC HEARINGS

Chairman Eisenhandler read the official legal notice for the August 2, 2021 Zoning Board of Appeals meeting in its entirety.

PETITION #1820, Submitted by Thomas and Catherine D'Aulizio. For property known as 43 Skyview Road. A variance of Section 383-31 (B) regarding Maximum Ground coverage has been requested.

- Attorney Brian Stone spoke on behalf of his client. He explained that his client is building a large ranch style home at 43 Skyview Road, as his client is unable to climb stairs due to knee problems. As a result, this type of home takes up much more ground coverage than your typical colonial. As the ranch abuts a back of a condominium complex, Attorney Stone stated that the literal enforcement of the zoning regulation does not serve the purpose and intent of the regulation, which is to preserve yards on lots, create uniformity of development, and a positive visual affect for the neighborhood and community.
- Due to high ground water, the contractor was forced to raise the entire elevation of the home by one foot. As a result of this modification, the approved patio must now be built as a deck to avoid steps. Attorney Stone explained that a patio is not considered additional ground coverage, but the proposed deck, which will be less than one foot above the ground, is considered additional ground coverage requiring a variance. Attorney Stone stated that this high ground water is the hardship as it pertains to the land.
- Mr. Doug Anderson, the building contractor for the ranch on 43 Skyview Road, also developed Fieldstone Village. He spoke on this high water table and reported that in an attempt to eliminate steps for his client, he elevated the ground area around the home. However, the deck has to be built approximately seven inches above the ground to avoid unnecessary steps.

In Favor of the Variance Request

- Ms. Goldberg, 175 Sunrise Hill Circle, spoke in favor of the applicant. She advised that her condominium abuts 43 Skyview Road and that there is over 200 feet between her condo and the proposed deck. She has no concerns about the variance request. She knows Mr. D'Aulizio and is glad to have him as her neighbor.

In Opposition of the Variance Request

- Mr. D'Ambiruoso, 612 Derby Avenue, spoke his concerns about the variance request. While not in direct opposition of the variance request, he expressed concerns that the building of homes in this area is disrupting the soil. He has had black silt in his water heater and toilet as well as water in his basement. He has spoken with the Town in the past but to no avail. Mr. Eisenhandler advised that the Zoning Board of Appeals is not the correct venue to help him, but that the builder was present and suggested he might speak with him after the meeting.

Rebuttal

- Attorney Stone advised that the deck will have crushed stone under it, reducing the amount of water runoff. A patio, which was in the original plans, would not have this crushed stone and could potentially have more water runoff.

Mr. Panza made a motion to close the Public Hearing portion of the meeting, seconded by Ms. Bradley. The vote was recorded as follows: Mr. Natalino, aye; Mr. Pickering, aye; Mr. Panza, aye; Ms. Bradley, aye; and Chairman Eisenhandler, aye. All were in favor and the motion PASSED.

- The Board members discussed the variance request , noting that it is a small variance request from 10% to 10.8% maximum ground coverage. of 10.

Mr. Panza made a motion to approve Petition #1820 as presented. Ms. Bradley seconded the motion. The vote was recorded as follows: Mr. Natalino, aye; Mr. Pickering, aye; Mr. Panza, aye; Ms. Bradley, aye; and Chairman Eisenhandler, aye. All were in favor and the motion PASSED.

Mr. Panza made a motion to adjourn the meeting at 7:45 p.m. Ms. Bradley seconded the motion. The vote was recorded as follows: Mr. Natalino, aye; Mr. Pickering, aye; Mr. Panza, aye; Ms. Bradley, aye; and Chairman Eisenhandler, aye. All were in favor and the motion PASSED.

Respectfully Submitted,

Deborah Satonick
Recording Secretary