

Chw. Annabel Resnisky, Martin Reardon, Linda Reil, Evelyn Russo, Robert Stefurak, Joseph DeFrancesco

BOARD MEMBERS PRESENT

Judith Pehota

BOARD MEMBERS ABSENT

William Warner, Director, Bruce Driska, Zoning Enforcement Officer

STAFF

The following correction was noted: In Chw. Annabel Resnisky's absence, Board Member Judy Pehota was acting chair. On motion and second by Board Members Martin Reardon and Linda Reil the Board approved the minutes of the March 1, 2007 meeting as amended. Vote was unanimous.

ITEM 2.1
APPROVED THE MINUTES OF THE 3/1/07 REGULAR MEETING

William Warner explained the procedure of an appeal from the Zoning Enforcement Officer. He indicated that he would present the case and have Bruce Driska, the Zoning Enforcement Officer, act in the capacity of staff. William Warner submitted copies of the original plot plan, the As-Built plot plan, and the February 8, 2007 letter from staff to Navi Ing. Atty. Dean Thomasson spoke on behalf of Navi Ing and explained that his client committed an error with the revised plan for a larger building because he was told that he could do so by the builder and land seller, adding that the builder informed Mr. Ing that anything built within the building lines could be built. Chw. Annabel Resnisky stated that the homeowner needed to take responsibility for receiving accurate information as in asking the City of Middletown staff, not a builder. Atty. Dean Thomasson indicated that there is no zoning regulation which would prevent one house to be taller than another. Atty. Michael Dowley spoke on behalf of the Gurciullo family, abutters to the south of the subject property. Mr. Antonios Sapounas, 738 Ridgewood Road, spoke in opposition and indicated the applicant should take responsibility. Atty. Dean Thomasson indicated that a designed drainage swale is depicted on the plan. On motion and second by Board Members Martin Reardon and Joseph DeFrancesco the Board closed the public hearing. Vote was unanimous. Chw. Annabel Resnisky indicated that the Zoning Board of Appeals is here to protect the public and that is exactly what is being done with this application. Board Member Evelyn Russo commended the staff for handling the issue as it was. On motion and second by Board Members Evelyn Russo and Martin Reardon the Board upheld a finding by the Director of Planning, Conservation and Development and the Zoning Enforcement Officer with regards to the construction of a garage as part of a single family dwelling to be located in the

ITEM 3.1
UPHELD A FINDING BY THE DIRECTOR OF PLANNING, CONSERVATION AND DEVELOPMENT AND THE ZONING ENFORCEMENT OFFICER WITH REGARDS TO THE CONSTRUCTION OF A GARAGE AS PART OF A SINGLE FAMILY DWELLING TO BE LOCATED IN THE R-1 ZONE AT 764 RIDGEWOOD ROAD

R-1 zone at 764 Ridgewood Road. Vote was unanimous.
Applicant/agent Dean A. Thomasson ZBA2007-4

On motion and second by Board Members Martin Reardon and Evelyn Russo the Board accepted withdrawal of a proposed variance to Section 40.03.05 with regard to the maximum width requirements for an entranceway for proposed commercial/retail buildings in the NPC zone at 850 Newfield Street. Vote was unanimous. Applicant/agent Marco DiMauro/Dean Bagdasarian, P.E. ZBA2007-5

ITEM 3.2
ACCEPTED WITHDRAWAL OF A PROPOSED VARIANCE TO SECTION 40.03.05 WITH REGARD TO THE MAXIMUM WIDTH REQUIREMENTS FOR AN ENTRANCEWAY FOR PROPOSED COMMERCIAL/RETAIL BUILDINGS IN THE NPC ZONE AT 850 NEWFIELD STREET

On motion and second by Board Members Evelyn Russo and Joseph DeFrancesco the Board accepted withdrawal of a cease and desist from the Zoning Enforcement Officer with regards to conducting a commercial/recreational activity without Special Exception approval on the Hills property located at Map 52, Block 38-1, Lot 2B on Brooks Road in the R-60 zone. Vote was unanimous. Applicant/agent Edward & Andrea Hills/Richard D. Carella ZBA2007-6

ITEM 3.3
ACCEPTED WITHDRAWAL OF A CEASE AND DESIST FROM THE ZONING ENFORCEMENT OFFICER WITH REGARDS TO CONDUCTING A COMMERCIAL/RECREATIONAL ACTIVITY WITHOUT SPECIAL EXCEPTION APPROVAL ON THE HILLS PROPERTY LOCATED AT MAP 52, BLOCK 38-1, LOT 2B ON BROOKS ROAD IN THE R-60 ZONE

Jeff Kraner spoke on behalf of the application. On motion and second by Board Members Evelyn Russo and Martin Reardon the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members Martin Reardon and Joseph DeFrancesco the Board granted a variance

ITEM 3.4
GRANTED A VARIANCE TO SECTION 21.02 WITH REGARD TO

to Section 21.02 with regard to the side yard setbacks for a proposed garage addition in the R-15 zone at 349 Pine Street. Vote was unanimous. Applicant/agent Jeffrey and Deborah Kraner ZBA2007-7

THE SIDE YARD
SETBACKS FOR A
PROPOSED GARAGE
ADDITION IN T HE
R-15 ZONE AT 349
PINE STREET

There was no Old Business.

ITEM 4.1
OLD BUSINESS

The 22 Birdsey Avenue issue was discussed and Deputy City Attorney Timothy Lynch's April 5, 2007 memorandum was read into the record. Sergio Caracoglia spoke about the 22 Birdsey Avenue situation. Chw. Annabel Resnisky informed Mr. Caracoglia that the Board received the memorandum from the City Attorney's Office that was requested and that no further action would be taken.

ITEM 5.1
CARL MONARCA
22 BIRDSEY
AVENUE

On motion and second by Board Members Evelyn Russo and Joseph DeFrancesco the Board adjourned the meeting at 7:00 p.m. Vote was unanimous.

ITEM 6
ADJOURNMENT

Respectfully submitted,

Bruce E. Driska, CZEO
Zoning Enforcement Officer