

MINUTES
TOWN BETHANY CONNECTICUT
ZONING BOARD OF APPEALS
PUBLIC HEARING @ REGULAR MEETING @7 P.M.
MONDAY, NOVEMBER 8, 2021.

The regular meeting of the Zoning Board was called to order at 7:09 p.m.

The following Board Members were present:

Rob Huxley, Chairman
Mark Stricker, Member
Nick Poulmas, Member
Cynthia Megyola, Member

The following Board Members were excused:

JR Rivellini, Member
Melissa Lambrecht, Alternate
Kevin Dingle, Alternate
June Riley, Alternate

Also Present:

Lina Frazer, ZEO
Anne Sohon, Recorder

REGULAR MEETING

At 7:04 p.m., Chairman Huxley opened the meeting and roll call was taken. Commission Chairman Huxley confirmed with ZEO, Lina Frazer that the public hearing set for November 8, 2021, was properly noticed in the New Haven Register and could proceed as planned. Chairman Huxley then formally read the legal notice for all present.

APPROVAL OF MINUTES

Chairman Huxley asked for a motion to approve the minutes of the June 14, 2021, Regular Meeting. It was moved by Member Stricker and seconded by Member Megyola. Voting: Huxley, Stricker, Poulmas. Abstained: Megyola.

APPROVAL OF 2022 MEETING SCHEDULE

Chairman Huxley reviewed the purposed 2022 meeting schedule, being the second Monday of every month, with the Board. There being no conflicts, it was moved by Member Poulmas to approve the 2022 meeting schedule and seconded by Member Stricker. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**

BILLS

It was moved by Member Poulmas and seconded by Member Megyola to approve the payment of \$125.00, for services rendered for this Public Hearing, by Anne Sohon, Court Reporter. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**

MINUTES
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ZONING BOARD OF APPEALS
PUBLIC HEARING @ REGULAR MEETING @7 P.M.
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GENERAL CORRESPONDENCE, PUBLICATIONS & WORKSHOPS

- A. Connecticut Federation of Planning and Zoning Agencies- Workshop for Zoning Board of Appeals, written and edited by Attorney Steven E Byrne. Amended June 2014
- B. Letter from Regina Milano to the Zoning Board of Appeals, dated October 11, 2021. Re: 1051 Amity Rd.
- C. Letter from Robert G. Skrip to the Zoning Board of Appeals, dated October 11, 2021. Re: 1051 Amity Rd.

- Chairman Huxley acknowledge the Workshop for Zoning Board of Appeals publication and encouraged Board members to review it. The publication was scanned to all members and alternates via email, and hard paper copies of the publication was provided to the members present at the meeting.

PUBLIC HEARING

At 7:10 p.m., Chairman Huxley opened the public hearing regarding the *Zoning Variance for a 20' setback to allow a 30' distance requirement between residential zones for an accessory apartment to be built at property 1051 Amity Road – Julia & Kyle Culbertson (Patricia Gonzalez)*

Chairman Huxley confirmed the scope of the public hearing with the Board, as being a request for a variance for a 20ft setback to allow a 30' distance requirement between residential zones for an accessory apartment and asked if all members present had an opportunity to review the paperwork and/or visit the location.

Please see below the listed Public Hearing's Exhibits presented and submitted for the application.

PUBLIC HEARING EXHIBITS

- **Exhibit A:** Letter from Regina Milano to the Zoning Board of Appeals, dated October 11, 2021. Re: 1051 Amity Rd
- **Exhibit B:** Letter from Robert G. Skrip to the Zoning Board of Appeals, dated October 11, 2021. Re: 1051 Amity Rd.
- **Exhibit C:** Certified letter sent to all surrounding property owners notify them about the purposed project.

Chairman Huxley asked if there was anyone present to speak on the half of the application. Present to speak and address concerns regarding the application for **1051 Amity Road** was, Kyle Culbertson and Patricia Gonzalez.

PUBLIC FORUM

- Property owner, Kyle Culbertson addressed the Board regarding the specifics details for the purposed building of an attached accessory apartment at 1051 Amity Rd. Mr. Culbertson highlighted some complications on the property, including the location of the well and septic system as well as a significant slope towards the rear of the property.

MINUTES

TOWN BETHANY CONNECTICUT
ZONING BOARD OF APPEALS
PUBLIC HEARING @ REGULAR MEETING @7 P.M.
MONDAY, NOVEMBER 8, 2021.

These factors have limited the buildable area of the property, leaving the purposed side yard location.

- All the items noted by Mr. Culbertson were confirmed by accompanying application materials and reviewed by the Board.
- Mr. Culbertson indicated that the build would most significantly impact his neighbor, Robert G. Skrip. However, Mr. Skrip is in favor the project and has submitted a letter to the board as confirmation. (Exhibit B.)
- Mr. Culbertson confirmed for the Board that the accessory apartment would be used a residence for his in-laws.
- Member Stricker questioned Mr. Culbertson about the setback of the existing house and discussed the currant non-conforming status of the original structure in relation to the setback from the road. Member Stricker discussed with the Board whether building the accessory apartment in line with the existing structure, and thus non-conforming to the standard 50' setback to the road would also require a variance.
- The Board confirmed and discussed that because the new construction would be no more non-conforming than the existing structure, Mr. Culbertson would not need to seek a variance for the setback from the road.
- ZEO, Lina Frazer informed the Board that a public hearing had been set for the Planning and Zoning Commission to rule on this application in light of the Boards decision.

Commission Chairman asked members of the public if they have any further questions or concerns to be addressed.

MOTION:

Being no further questions or concerns from the public or Board, Chairman Huxley motioned to close the public hearing at 7:20 p.m., Member Poulmas moved, and Member Stricker seconded. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**

DELIBERATION:

- Chairman Huxley opened the deliberation to Board for discussion. Member Striker noted that a site visit confirmed the location of the well and septic, along with the significant slope in the rear of the property. He stated these factors seemed to considerably limit the building location to the side yard. Member Megyola confirmed Member Striker's assessment of the property and building location. Additionally, Member Stricker noted the support of the surround neighbors was impactful and important.
- Member Stricker then cited #1 "Special conditions and circumstances exist which are unique to the subjected property, and which do not affect generally the district to which it is situated" and Chairman Huxley cited #3, "These special conditions and circumstances do not result from the action of the applicant or the property owner" from Motion Approving Zoning Variance Application.

MINUTES

TOWN BETHANY CONNECTICUT
ZONING BOARD OF APPEALS
PUBLIC HEARING @ REGULAR MEETING @7 P.M.
MONDAY, NOVEMBER 8, 2021.

- The Board determined the reasons set forth in the application and information gathered at the public hearing justify the granting of the variance.

MOTION:

Member Stricker moved to approve the variance for a 20' setback to allow a 30' distance requirement between residential zones for an accessory apartment based on special conditions that exist which are unique to the property, including the location of the septic system and steep slope, which limit construction areas on the property, and considering none of these conditions result from the actions of the property/applicant owner. Additionally, as the existing structure is non-conforming in the setback regulations and the purposed apartment will be no more non-conforming, the Board determined a variance will not be required for the road setback. Member Megyola seconded. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**

DECISION-MAKING SESSION:

A. Nominations of SCROG representatives

- The Board, in consultation with ZEO, Lina Frazer discussed the specifics, including meeting times, locations, and agenda topics associated with the SCROG meetings. The Board determined that they would get relevant information from the P&Z SCROG representative.

B. Appointments and Re-Appointments of Board Members and Staff

- Chairman Huxley asked for a motion to approve the Board Member as they sit, being Rob Huxley, Chairman, Mark Stricker, Member, Nick Poulmas, Member, Cynthia Megyola, Member, Melissa Lambrecht, Alternate, Kevin Dingle, Alternate, and June Riley, Alternate. Member Megyola moved, and Member Poulmas seconded. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**
- Member Poulmas nominated Member Huxley to be Chairman and was seconded by Member Stricker. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**
- Member Megyola nominated Member Stricker to be Vice Chairman and was seconded by Member Poulmas. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**

OTHER BUSINESS (None at this time)

ADJOURNMENT

- There being no further business to come before the Board, it was moved by Member Poulmas and seconded by Member Stricker to adjourn the regular meeting at 7: 40 p.m. Voting: Huxley, Stricker, Megyola, Poulmas. **Unanimous Approval.**

MINUTES
TOWN BETHANY CONNECTICUT
ZONING BOARD OF APPEALS
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MONDAY, NOVEMBER 8, 2021.

Respectfully submitted,



*Laura Callery,
Town Minutes Clerk.*

DRAFT