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Zoning Board of Appeals Meeting

Monday, March 1, 2021 – 7:00 p.m.
Zoom Meeting

(Unapproved)

ATTENDANCE

Board Members Present: Chairman Noah Eisenhandler, Gregory Natalino, Pat Panza, Rudolph Miller, David Crow, and Matt Pickering

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

Chairman Eisenhandler welcomed everyone to the March 1, 2021 Zoning Board of Appeals meeting and called the meeting to order at 7:00 p.m. He proceeded to introduce the Board members, Mr. Demirjian, Zoning & Wetlands Officer; 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 permanent members would be voting on the petition presented, with alternate Mr. Pickering abstaining.

1. Review and Approval of Minutes – November 2, 2020

- Mr. Miller made a motion to approve the November 2, 2020 Zoning Board of Appeals minutes, seconded by Mr. Panza. The vote was recorded as follows: Mr. Miller, aye; Mr. Natalino, aye; Mr. Panza, aye; Mr. Crow, aye; Mr. Pickering, aye, and Chairman Eisenhandler, aye. All were in favor and the motion PASSED.

PUBLIC HEARINGS

Chairman Eisenhandler read the legal notice for March 1, 2021 Zoning Board of Appeals meeting in its entirety.

PETITION #1815, Submitted by Steven and Loretta Brutsche. For property known as 274 Petrose Circle. For the construction of an access staircase to the existing attic in the dwelling. A variance of Section 383-30 C. Setback from Other Property Line is requested.

- Ms. Brutsche reported that Mr. Hiza submitted an A-2 survey, as was required at last month's meeting. She identified a number of hardships in this petition, including the location of the cottage, the house location on the lot, the septic system location, and the fact that there is no basement. All of the mechanics, such as the burner and hot water heater, are located in the third floor attic.
- Ms. Brutsche gave a brief history of the property, noting that the building was originally constructed for farm animals with a cement slab instead of a basement. It was later converted into their home. Chairman Eisenhandler stated that the applicant is applying for a fifteen foot side yard variance. The applicant supplied photographs of the attic and advised that this will never be used as residential living space. Mr. Panza mentioned that due to the combustion of the mechanics the attic must be sheet rocked.
- Chairman Eisenhandler inquired about the original location of the mechanicals. Initially, this structure began as a one bedroom home with the mechanicals behind the bedroom on the first floor. Mr. Panza reviewed the layout of the stairway and explained that if the stair configuration was designed differently, the side variance could have been substantially minimized. However, Mr. Panza noted that the stairway has already been constructed.

Opposition to Petition #1815

- Attorney Stephen Struder, Berchem Moses Law Firm at 75 Broad Street, Milford, CT., spoke on behalf of his clients, Kevin and Marcie Daken, who own 66 Petrose Circle. They are concerned that the landing of this exterior access stairway, which is at the third floor attic level, looks down over their fenced yard and diminishes their privacy and enjoyment of their property.
- Attorney Struder pointed out that this outside stairway was built without town approval. He also suggested that there is over eighty-six feet on the western side of the property line and this is a viable alternative for the stairway. He also pointed out that three additional abutting property owners submitted written disapproval of this variance request.
- Attorney Struder presented a number of examples suggesting that Kevin and Marcie Daken have been disingenuous with the Building Department and the Zoning Department in the past. He claimed that the outside stairway and the mechanics were never shown on some of the building plans submitted to the town. He also noted that there is no internal stairway between the first and second floor and any hardships have been self-created due to poor planning.
- Kevin Daken, owner of 266 Petrose Circle, Orange, spoke against the variance request in Petition #1815. He stated that he retained an attorney due the seriousness of this matter. They created a safe, private yard for themselves and guests. They fenced in their yard and planted arborvitae trees but the stairway towers well above the fence and trees, even when they will be full grown. He stated that the stairway is intrusive and an eye sore.

Rebuttal

- Marcie Daken took offense to the remarks of Attorney Struder, stating that he spoke fabrications and lies. She added that the pipes going to the septic system make it impossible to construct a stairway on the west side of the home.
- Chairman Eisenhandler read a number of letters into the record, one letter approving the variance and four neighbors disapproving the request.

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

- The Board members each spoke on this petition, unanimously agreeing that this is a self-created hardship. Mr. Panza added that there is no access to the second floor from an inside stairway, suggesting that the one family home was converted to a two family house. He also stated that the encroachment of the side yard is due in part to a poor design configuration of the stairway. Mr. Miller held the homeowners responsible for the mistakes of their contractor.

Mr. Panza made a motion to deny Petition #1815. Mr. Miller seconded the motion. The vote was recorded as follows: Mr. Miller, aye; Mr. Natalino, aye; Mr. Panza, aye; Mr. Crow, aye; and Chairman Eisenhandler, aye. All were in favor and the motion was DENIED.

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

Respectfully Submitted,

Deborah Satonick
Recording Secretary