

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
MEETING

January 17, 2023

Present for the online web conference meeting was Chair Schoenhorn, Commissioners Cloud, Llewellyn, Walsh and Alternate Commissioner Marsh and Wiener. Town Planner Rutherford, Assistant Town Planner Daigle, Clerk Michaud were also present. The meeting was called to order at 7:00 p.m.

PUBLIC HEARING

Bob & Julie Thureson – 36 Perry Street

Application for variance to increase height of detached garage from 15' to 17.25' as measured from larger dormers for property located at 36 Perry Street, R9 zone. The applicant was not able to meet all notice requirements.

Upon a motion made and seconded (Callahan/Cloud) it was unanimously

VOTED: To continued this matter to the February 21, 2023 meeting at 7:00 P.M. via Zoom.

ConEd Solutions – 541 Middle Road

Alternate Commissioner Wiener was appointed to vote in place of absent Commissioner Nadim for this matter.

Application for variance to reduce side yard setback from 25' to 5' for location of ground mounted solar array at 541 Middle Road, R40 zone. Chair Schoenhorn stated he took photos during his site inspection which we made part of the record. Kimberly Salvo, 541 Middle Road, stated they have contracted with ConEd Solutions to install a ground mounted solar array. They are seeking approval of a variance to install the array closer to the property line because placing the array 25' from the property line places it within the shadow of the house interfering with the production capacity of the array. They purchased this home in July and have an electric vehicle and the proposed array is designed to support the energy needs including the proposal to install a pool in the near future. They have relied on the expertise of ConEd regarding the size and location/placement of the array. Andy Mayshar, ConEd, commented if the array is installed closer to the home the array will need to be much larger because of the shadow effect of the home on the array. Commissioners asked for confirmation neighbors were notified of the request for variance. Thomas Salvo, 541 Middle Road, responded yes, they have sent notices and met personally with the homeowners on both sides to review the proposal. No concerns were expressed by the neighboring homeowners. The Commission asked if the array would create an electric feedback concern for the medical facility adjacent to the property. Mr. Mayshar with ConEd responded no. The Commission asked for clarification on the hardship. Mr. Salvo explained they are trying to keep the array as low profile/small as possible. Photos of the site were provided to show the elevation differences with the abutting properties and existing vegetation which will make the visibility of the array low. The Commission also asked for clarification whether the array is static or if it will pivot. Mr. Mayshar responded the array is static. The applicant was asked to confirm the proposed array is for this parcel only. Mr. Salvo responded yes. There was a brief discussion about the total number of panels, total output, battery pack and confirmation on the location of the array using photos. The representative from

ConEd responded with the output and number panels are sized for the existing home, electric vehicle and future pool with the battery pack at the house.

The was no public comment in favor or in opposition to the application.

The public hearing closed at 7:30 p.m.

Upon a motion made and seconded (Wiener/Cloud) it was

VOTED: 5 in favor (Callahan, Cloud, Schoenhorn, Walsh, Wiener) to 1 abstention (Llewellyn) to approve the ConEd Solutions application for variance to reduce side yard setback from 25' to 5' for location of ground mounted solar array at 541 Middle Road, R40 zone, as presented and on file in the Planning Office. The motion passed.

(Alternate Commission Wiener left the meeting at 7:33pm)

Bryce and Rebecca Knackstedt – 30 Mountain Lane

Application for variance to locate shed in other than required yard for property location at 30 Mountain Lane, R80 zone. Mr. Knackstedt presented his request to install a 10' x 20' shed off his driveway. He described the topography of his lot and used photos to show how the yard slopes away from the home and driveway. The survey of the property showed the location of the septic system and well on the property further limiting the ability to access the rear yard to locate a shed in a conforming location. Assistant Town Planner Daigle used an aerial map of the property for further clarification of the site topography. The Commissioners asked for the intended use of the shed and clarification on the surface the shed will be placed on. Mr. Knackstedt explained the shed will be used to house his snowblower and other tools. The material put in place off the driveway will not erode/wash down the slope and will be a stable surface for the shed.

A letter dated January 8, 2023 from Michael and Kira Halak at 26 Mountain Lane in support of the application was submitted for the record.

There was not public comment in favor or in opposition to the application.

The public hearing closed at 7:43 p.m.

Upon a motion made and seconded (Llewellyn/Walsh) it was unanimously

VOTED: To approve the Bryce and Rebecca Knackstedt application for variance to locate shed in other than required yard for property location at 30 Mountain Lane, R80 zone, as presented and on file in the Planning Office.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Callahan/Walsh) it was unanimously

VOTED: To approve the November 14, 2022 Zoning Board of Appeals meeting minutes as edited.

Upon a motion made and seconded (Walsh/Llewellyn) it was unanimously

VOTED: To approve the December 19, 2022 Zoning Board of Appeals meeting minutes as submitted.

PLANNER'S REPORT

Assistant Town Planner Daigle provided a status update in response to a request from Chair Schoenhorn on the following former matters before the Board.

61 Ely Road

The property owner has submitted an application to the Town Plan & Zoning Commission for a remediation plan and a public hearing is set for February 13, 2023. The property owner has until January 23, 2023 to submit a complete plan. General comments were made about the overall process and length of response time of the property owner to comply with the Boards decision. Town Planner Rutherford explained the Town always works with the property owners as long as they are responsive and actively work to move forward to bring their property into compliance with the zoning regulations.

1 Farmglen Boulevard

Since the 2017/2018 variance and site plan approval to expand the parking lot at this location, Metro Realty Group received approval in 2021 to construct a residential building at 402 Farmington Avenue. This approval includes a condition for the sidewalk along Farmington Avenue in front of the Farmglen Boulevard parcel to be completed from the crosswalk at the intersection of Farmglen Boulevard and the sidewalk for the UCONN campus.

7 Jordan Lane

A variance was sought for a front yard setback for the corner of a bilco door that was constructed incorrectly as shown on the plan. Staff advised the property owners to seek a variance for the encroachment, the application failed with a vote of 3 in favor to 1 opposed, as ZBA actions require 4 affirmative votes. Following the decision, the property owners spoke with their attorney who argued the door was protected by CGS 8-13a. The attorney was able to provide documentation that the door was installed in 2018, three years prior to the 2022 ZBA application. Staff consulted with the Attorney DeCrescenzo who agreed the door was protected as a legal non-conformity and no enforcement action could be taken. (Commissioner Callahan left at 8:03pm). General comments were made about the timing of the discovery of the encroachment. Town Planner Rutherford responded the discovery was made when the project was complete and the property owner was ready for the certificate of occupancy. The as-built survey was submitted for staff review and inspection of the site.

The meeting adjourned at 8:18 p.m. (Cloud/Schoenhorn)

SJM