

**TOWN OF GRANBY
ZONING BOARD OF APPEALS
MINUTES
February 16, 2016**

Present: Judy Goff, Robert Lindeyer, Christopher Roughton, Suzanne Yucha, and William O'Leary

Acting Chairman Judy Goff convened the meeting at 7:30 p.m. and introduced the Board members. Robert Lindeyer read the Legal Notice, which was published on February 5, 2016 and February 12, 2016 in the Connecticut Section of the *Hartford Courant*.

REGULAR MINUTES

ON A MOTION by R. Lindeyer, seconded by C. Roughton, the Board unanimously voted 3-0-2 to approve the minutes of the regular meeting of November 17, 2015 as presented. C. Roughton and S. Yucha abstained.

Acting Chairman Goff explained the procedure of the meeting and noted to those in attendance that decisions would generally be mailed to the applicant within ten days. Approval, when granted, shall be null and void if not filed within 90 days of the approval date.

PUBLIC HEARING

The hearing on the application by Anthony Novak seeking a Certificate of Approval per Section 14.54b of the Connecticut General Statutes for a motorcycle repair/sales business for property located at 561 Salmon Brook Street, opened at 7:33 p.m.

Anthony Novak, 79 Crest Lane, Granville, MA appeared before the Board. He explained he would like to open a motorcycle repair business, including the sale of used motorcycles. A state license is required for dealing in or repairing motor vehicles. To obtain a license, the applicant must first receive a Certificate of Approval from the Zoning Board of Appeals. He plans to modify and use existing signage and lighting. All the repair work will be done inside the building. Fencing around the property was noted to be in disrepair, and Mr. Novak stated he plans to replace the fence. There will be no storage outside the building, but there will be a dumpster. The purchase of this property is contingent on a Certificate of Approval.

Public comment: John Orszulak, 20 Sawmill Road, whose property abuts 561 Salmon Brook Street, spoke in favor of the proposed business.

Public hearing closed at 7:39 p.m.

The hearing on the appeal by Deb Orosz seeking a front yard variance to Section 5.1 of the Zoning Regulations to allow construction of a garage for property located at 114 East Street, opened at 7:40 p.m.

Deb Orosz, 114 East Street appeared to explain her request for a front yard variance. She would like to build a three-car garage. The property contains a historic house which was constructed prior to the establishment of Zoning and is closer to the road than the regulations allow. She showed where the garage is proposed to be placed on a file drawing. Byron Schoenholzer of Schon Designs LLC spoke and explained that if the proposed garage were to be pushed back from the road, it would encroach on the leach fields. The proposed building is 36' x 32'. The Board members sought further clarification of the proposal, but additional maps were not available. Ms. Orosz asked, and the Board agreed, to continue the matter to the March 15, 2016 meeting.

Public Comment: None.

The hearing on the appeal by Susan and William Regan seeking a variance to Section 5.1 and 8.1.3.2 of the Zoning Regulations, to allow construction of a barn for property located at 62 Hungary Road, opened at 7:49 p.m.

Susan Regan, 62 Hungary Road, appeared and read a prepared statement of information with regard to their request for a side yard variance of 95', which is needed to allow for construction of an 80' x 120' building to be used as an indoor riding arena and stable. Mrs. Regan stated the property is currently fenced and that the property is buffered by existing trees. No change to the existing driveway is expected. The need for exterior lighting was considered and the applicant determined that only motion activated lights are expected to be installed on the building. Bill Regan, 62 Hungary Road joined Ms. Regan and explained the barn would be placed in back of the house. He showed that the leach fields are in front of the house. He stated they are looking for southern exposure, noting it helps with melting ice making it safer for the horses. He stated they positioned the building on the property in an effort to line it up with the house. Also, the building placement will help to block wind. They've taken existing pastures into consideration of the building location. Mr. and Mrs. Regan stated the building is intended only for their private use and not for commercial use. The proposed building would be a pole barn construction with metal exterior and roof. There are no bathrooms proposed inside the building. The Board asked if the neighbors to the north were okay with this proposed building and the Regan's answered that they had been sent a notice of this meeting by the town.

Public comment: Kathleen and Charlie Mack, 8 Hampton Village Drive addressed the Board stating they have been residents for 27 years. They like their backyard privacy and don't like the thought of having to look at a 9,600 square foot building. They shared concerns that this building could be used for commercial use; if not by the Regan's then by another owner in the future. Other concerns included exterior lighting, the number of horses on the property, noise, and the probability of manure odor.

Bob and Darlene Srubas, 10 Hampton Village Drive, spoke in agreement with the statements the Macks had made. They said that although there is a tree buffer, many trees were removed from the area in the past years opening a sight line into the Regan's property. They stated such a large barn could house many horses and asked about the number of horses that might be allowed at the Regans. They asked if the building might be moved closer towards the Regan's house or be placed elsewhere on the five acre parcel.

Susan Regan responded, reiterating that the proposed building is not intended for commercial use. They want such a large building so they can ride their horses year round. As for the exterior lights, she stated again that they will be motion sensor lights and they won't be on all the time. In regards to the concerns for noise, she stated riding horses is not a noisy activity. With regard to concerns about manure odor, they have a dumpster for manure, which will be removed from the property. She therefore doesn't see this as an issue. She said the barn will have four stalls, a feed room, a tack room and the rest of the space is for the riding arena. She explained that trees were removed a few years ago as a cleanup project, because of severe storm damage. There are wetlands and the remnants of the Old Farmington Canal at the back of their property. Placing the building as proposed, puts it in the most level area, avoids the wetland area, and takes advantage of the southern exposure, making it safer for the horses during winter months. Mr. and Mrs. Regan said they can't really move the building closer to the house because of the pool and pool house location.

Mr. and Mrs. Mack reiterated their concern over having to view such a large structure all the time and expressed their concern about what might happen when the property is sold. Mr. Srubas asked the Board about the decision making process and was given a brief explanation.

Public hearing closed at 8:25 p.m.

The hearing on the appeal by John Oates seeking a side yard variance to Section 5.1 and 8.1.3.2 of the Zoning Regulations to allow construction of a garage for property located at 79 Bushy Hill Road, opened at 8:27 p.m.

John Oates, 79 Bushy Hill Road, explained he would like to take down an existing garage and build a larger one at the same spot. The front corner of the new building will be in the exact same spot as the old building. The new garage would be 24 feet x 32 feet, with a concrete floor, siding to match the house and an overhead door. He noted the north/south property lines shown on the map are not accurate. There is actually more space to the sidelines. He stated he has spoken with his neighbors about his plan and no one voiced any objections to him. He showed the location of the septic system and a stone wall, noting the location of these creates a hardship to place the garage elsewhere. He cannot place the garage on the other side of the house due to the location of the leach fields and if he could, such a location would also require a variance and an additional driveway to get to the building.

Public comment: none.

Public hearing closed at 8:33 p.m.

ON A MOTION by R. Lindeyer, seconded by W. O'Leary, the Board voted unanimously (5-0-0) to grant a Certificate of Approval, per Section 14.54b of the Connecticut General Statutes, to Anthony Novak for a motorcycle repair/sales business for property located at 561 Salmon Brook Street.

As noted earlier, the appeal by Deb Orosz seeking a front yard variance to Section 5.1 of the Zoning Regulations to allow construction of a garage for property located at 114 East Street is continued to the March meeting in an effort to provide the Board with more information.

ON A MOTION by C. Roughton, seconded by R. Lindeyer, the Board voted unanimously (5-0-0) to grant an appeal seeking a variance to Section 5.1 and 8.1.3.2 of the Zoning Regulations for Susan and William Regan, as proposed and outlined in the subject file, for property located at 62 Hungary Road as follows:

a side yard variance of 95' to the north property line is approved to allow for construction of an 80' x 120' indoor riding arena and stable. The structure is to be no closer than 25' to the sideline.

The variance is granted with the understanding that the building is intended for use by the home owners and that it will not be used for commercial purposes and that any exterior lighting will be limited to motion sensor lights attached to the building. The hardship noted is the requirement of the necessary area for the intended use of the barn, which is to ride horses inside. Also noted is the preservation of existing trees, the slope of the land, and avoiding the wetlands and the Old Farmington Canal.

ON A MOTION by C. Roughton, seconded by S. Yucha, the Board voted unanimously (5-0-0) to grant an appeal seeking a side yard variance for John Oates, as outlined in the subject file, for property located at 79 Bushy Hill Road as follows:

a side yard variance of 24' to allow for the construction of a garage, which will be placed no closer to the south property line than the garage that currently exists, a distance of approximately 8'.

The hardship stated is the location of the septic system. In making this decision, the Board acknowledges the approval of a previous variance request from 1996 and notes that this action is consistent with the previous approval allowing the location.

ON A MOTION by S. Yucha, seconded by C. Roughton the Board voted unanimously (5-0-0) to adjourn the meeting at 9:09 p.m.

Respectfully submitted,

Susan Christian
Recording Secretary