



Town of Sterling

Town Hall
1183 Plainfield Pike
P.O. Box 157
Oneco, Connecticut 06373-0157

Assessor: 860-564-3030
Building Official: 860-564-2275
Economic Development: 860-564-4752
Library: 860-564-2692
Recreation: 860-564-2136
Registrar of Voters: 860-564-2654

Revenue Collector: 860-564-7563
Selectmen: 860-564-2904
Town Clerk: 860-564-2657
Treasurer: 860-564-8488
Wetlands Agent: 860-564-2275
Zoning Official: 860-564-2275

Legal Notice
Town of Sterling
Zoning Board of Appeals
Notice of Public Hearing

The Sterling Zoning Board of Appeals will hold a Public Hearing on Tuesday, May 22, 2018 in Room 15 at the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT beginning at 6:30 p.m. to hear written and/or verbal comments on the following:

Application #ZBA18-01 by Edward & Tracie Adams for 391 Pine Hill Road, (Map 03635, Block 027, Lot 016P) for a variance from Section 4.04A Setbacks to reduce the front setback from 50' to 34.6' to construct a proposed 16' x 26' addition.

A copy of this application is available for review at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT during normal business hours.

Dated this 7th day of May 2018 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Sterling Zoning Board of Appeals
Stephen Offiler, Chairman
Stacy Abua, Secretary

May 22, 2018

The public hearing was called to order at 6:32 by Steve Offiler, ZBA Chairman. Other members' present-Russell Dexter, Robert Lassar, Christine Farrugia, and Alternate Betsy Chamberland. Staff present-Joyce Gustavson.

S. Offiler read the Notice of Public Hearing into the minutes.

The purpose of the hearing is to accept written and/or verbal comments on Application #ZBA18-01 by Edward and Tracie Adams for 391 Pine Hill Road (Map 03635, Block 027, Lot 016P) for a variance from Section 4.04A Setbacks to reduce the front setback from 50' to 34.6' to construct a proposed 16' x 26' addition.

The following was submitted into record: Zoning Location Survey of Proposed Addition Location, a letter from Northeast District Department of Health (NDDH), dated 3/9/2018 and an email from Demian Sorrentino, Zoning Enforcement Officer, dated 4/13/2018 (copies on file).

S. Offiler stated that the way things work is the applicant would give testimony in support of his application for a variance explaining the nature of the hardship, followed by anyone who opposes the variance, then anyone who is neutral on the matter, ending with the applicant having the final word.

S. Offiler stated that the plans submitted at the 4/24/2018 meeting are revised plans with a revision date of 4/19/2018.

E. Adams discussed the plans stating that the house was put in before the zoning law. The whole house is located thirty-four (34) feet from the road. He would like to add on to the living room and kitchen area to make the living room and dining area larger. The hardship is that the zoning law was changed and they cannot enjoy their property like everyone else.

T. Adams asked why it was not grandfathered in.

S. Offiler stated he was not sure what you mean by "it".

T. Adams explained that typically in other towns, the structure, because of its location would have been grandfathered in if they wanted to add an addition, as long as the same plan was followed.

S. Offiler stated that he does not have a great answer, but it is his understanding that our zoning regulation is not terribly complex. The whole Town is a single zone and it only contains a bare minimum of dimensional and setback requirements. In order to do what you are suggesting, a more sophisticated document would be required.

T. Adams stated that by granting a variance, it would not be out of the conformity of the neighborhood because one neighbor is the same distance from the road as they are and it is not a health violation.

S. Offiler asked if anyone on the Board has any questions or comments.

R. Lassar asked if any of the neighbors object.

E. Adams stated they do not.

S. Offiler stated they are not close to encroaching on the side yard setback.

T. Adams stated on the other side of the house is an access road for two (2) properties in the back.

S. Offiler asked if anyone else had any other questions or comments.

J. Gustavson read the following text message from Demian Sorrentino, Zoning Enforcement Officer, dated 5/22/2018 into record. "My apologies for not calling, but I

am still at work and cannot attend tonight's meeting. I think the applicant has a valid hardship due to the location of the house on the property, being that any addition to the front, left side or right side of the home would be within the established front setback. This certainly affects their ability to reasonably enjoy and improve their home".

S. Offiler stated for the record that D. Sorrentino sent J. Gustavson the following email dated 4/13/2018: "The hardship is that their residence was constructed prior to the adoption of zoning regulations and is primarily located within the 50' front yard setback. Any proposed addition to the front, right side or left side of the existing residence requires relief from Section 4.04.A relating to front yard setback. The variance as requested is the minimum relief necessary to improve the residence for the reasonable and beneficial enjoyment of the property owners. The pre-existing location of the residence is primarily within the 50' front yard setback and is neither self-imposed, nor monetarily based" (copy on file).

S. Offiler asked if anyone else had any other questions or comments. There were none.

R. Dexter made a motion, seconded by R. Lissan to close the public hearing at 6:45 p.m. All voted in favor of the motion.

May 22, 2018

The Zoning Board of Appeals special meeting was called to order at 6:45 p.m. by Stephen Offiler, ZBA Chairman. Other members' present-Christine Farrugia, Russell Dexter, Robert Lissan, and Alternate Betsy Chamberland.

Members' absent-Stacy Abua, Alternate Derek Anforth, and Alternate Lincoln Cooper. Staff present-Joyce Gustavson.

Also present-Edward and Tracie Adams.

Alternate B. Chamberland was seated for S. Abua.

Audience of Citizens: No comment.

Approval of Minutes: R. Lissan made a motion, seconded by R. Dexter to approve the 4/24/2018 quarterly meeting minutes as written and presented. All voted in favor of the motion.

Unfinished Business:

a. Application by Edward & Tracie Adams for a Variance from Section 4.04A Setbacks – to Reduce the Front Setback from 50' to 34.6' in Order to Construct a 16' x 26' Addition on the Right Side of their Existing Single-Family Residence for Property Located at 391 Pine Hill Road (03635/027/016P): It is the consensus of the Zoning Board of Appeals that this application is straight forward. The applicant did not create the hardship, zoning was not in place when the house was built, and the applicant cannot move the proposed addition to another location.

R. Dexter made a motion, seconded by R. Lissan to approve Application ZBA-#18-01 by Edward and Tracie Adams for 391 Pine Hill Road, (Assessor's Map 03635, Block 027, Lot 016P) for a variance from Section 4.04A Setbacks – front yard setback required fifty feet (50') to proposed 34.6' based on the variance as requested is the minimum relief necessary to improve the residence for the reasonable and beneficial enjoyment of the property owners. The pre-existing location of the residence is primarily within the 50' front yard setback and is neither self-imposed, nor monetarily based. Discussion followed. The applicant cannot build any further forward from the front of the house as this would make the lot more non-conforming. All voted in favor of the motion.

New Business: None.

Any Other Business: J. Gustavson updated the Board regarding 12-13 Sterling Associates, LLC, for property located at North Sterling Road. Emails between K. Olsen, legal counsel, and D. Sorrentino, dated 4/26/2018 through 5/16/2018 inquiring about the status of the property and the progress of the injunction have been exchanged, as well as, emails between D. Sorrentino, and E. Silva, Environmental Analyst, Department of Energy and Environmental Protection (DEEP), Waste Engineering and Enforcement Division (WEED) dated 3/15/2018 through 5/22/2018 discussing the progress towards the resolution of the violation(s) as far as (DEEP) is concerned. D. Sorrentino shall reach out to Atty. Weiss, attorney representing 12-13 Sterling Associates, requesting a report of progress be returned within seven (7) days or the Town will be commencing injunctive action via Windham County Superior Court.

Adjournment: R. Lassar made a motion, seconded by R. Dexter to adjourn at 7:00 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Stacy Abua, Secretary