

Town of Stafford
Zoning Board of Appeals
Regular Meeting
Veterans Meeting Room
Warren Memorial Town Hall
March 9, 2023

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Stafford

Members Present: Dennis Kaba, Chair
Danele Rhoads
Janene Berriault
Arlene Avery

Also Present: Jennifer Roy, Town of Somers ZEO (per diem)
Donna & Richard Napolitano, applicants
Public

Public Hearing:

Variance Request:

Applicant: Richard & Donna Napolitano, 76 Wales Road, Stafford, CT

Owner: Richard & Donna Napolitano, 76 Wales Road, Stafford, CT

Location: 76 Wales Road, Stafford, CT – Map: 17, Lot: 75, Zone: AA

Variance of rear setback 50' from watercourse required to 26' to build garage.

Dennis Kaba, Chair, opened the public hearing at 7:03 p.m., establishing a quorum with Dennis Kaba, Chair; Janene Berriault, Danele Rhoads, and Arlene Avery. He read the legal notice. He noted there had been an issue with the legal notice published in the Journal Inquirer. The wrong year was listed and so it was recommended that they open the public hearing and take comments and questions but to continue it to the next meeting.

Danele Rhoads said if members of the ZBA were available, they could convene a Special Meeting two weeks from now on March 23, 2023.

Donna Napolitano, applicant, said they want a variance from the edge of the lake to build a two car attached garage on their property. Her husband would be the general contractor and builder. The Zoning Regulations require a minimum 50-foot setback and they are asking to reduce it to 26 feet. There were several members of the public in attendance and she provided a drawing for them to see what she and her husband would like to do.

Members of the public were invited to speak for or against the application or to ask questions. Rich Combs of 74 Wales Road questioned whether or not there was a hardship since the

Napolitano's already have a garage. He said he did not see the need. He asked if the ZBA allows development that close to the water.

Richard Napolitano, applicant, said his neighbor had gotten a variance to build one foot from the water.

Danele Rhoads said Stafford does not limit people to one garage on their property. Their job is not to decide whether or not they can build a second garage, but whether or not they can build where they want to on their property. She reiterated that they will not make a decision this evening.

Jennifer Roy, ZEO, said after they hear all comments and close the public hearing, the Board will need to determine if the applicant has a valid hardship. She noted that variances and hardships are unique to each property and if at that time they determine there is a hardship, they will state that in their decision.

Donna Napolitano said they listed their hardship in the application paperwork. She said their existing house is a ranch with a garage underneath it. As they age, they would like the garage to be at the same level as the main floor of the house and closer to the kitchen for carrying in groceries and other items, so they don't have to climb a flight of stairs. The application paperwork states also that due to the location of the septic system, they are unable to move the proposed garage any further away from the water. Also, there is an existing garage at the basement level of the other side of the house with a door opening that is only 6 feet, 3 inches high and it cannot fit their truck.

Pat Soucy of 74 Wales Road said a hardship needs to be something where the conditions are outside of the property owners' control, and they don't have a hardship that fits that requirement. He said they have plenty of places to build a garage. He said the zoning regulations will not allow you to build something to accommodate a child or elderly person, and so if you can't even do that, then they can't do what the applicants are asking for. He also said the garage would end up being 8 feet from the septic system, not the ten feet minimum required.

Donna Napolitano said she was put off by Pat Soucy trying to tell the Board what their job is. Danele Rhoads said he isn't telling them that—that he is just getting his opportunity to speak as a resident. Donna Napolitano noted she and her husband are in the midst of a very ugly lawsuit with Pat Soucy regarding a right-of-way issue between their property and Pat Soucy is just doing this to get at them. Richard Napolitano said Pat Soucy had gotten multiple variances and questioned how he was allowed to get his. Rich Combs said there are two sides to the story.

Michael Simon of 26 RFD Road said he did not see a hardship with this application. He said there is no need to develop so close to the lake and that the setbacks have been established in the zoning regulations to protect the lake and keep the area lightly developed. He said if they are granted an exception, then everyone on the lake could get one and he would like to avoid overdevelopment.

Donna Napolitano invited Board members to visit their property. She said they have done a lot to beautify it. She said they are asking to do an addition, and noted that in many lots of record on the lake variances have been granted due to the fact that they are all small properties up against the lake.

Pat Soucy said the Napolitanos don't have a hardship.

Richard Napolitano asked Pat Soucy what his hardship was when he got his variance. Pat Soucy said more square footage and a deck.

Donna Napolitano said she would like to challenge the continuance of the public hearing. She said the meeting was scheduled for this evening and through no fault of their own, it has to be continued.

Jennifer Roy said she cannot challenge that decision. She said the ZBA has a statutory right to keep it open, and they are doing so because of a conflicting legal notice in the paper. She said it is in everyone's best interest to keep it open and republish the notice so everyone has an opportunity to speak. She explained the public hearing and decision-making process.

There were no other questions or comments from the public.

The ZBA members discussed holding a Special Meeting for a continuance in two weeks on March 23rd. All four members present said they could be in attendance.

Danele Rhoads made a motion to continue the public hearing to March 23, 2023, seconded by Janene Berriault. All were in favor. Motion carried.

Regular Meeting:

- 1. Call to order**
- 2. Establish a quorum**
- 3. Review and approve minutes of 12/8/2022**
- 4. Public Hearing Deliberation**
- 5. Adjournment**

- 1. Call to order**

The regular meeting was called to order immediately following the public hearing.

- 2. Establish a quorum.**

The same quorum established during the public hearing continued on with the meeting—Dennis Kaba, Chair, Janene Berriault, Danele Rhoads, and Arlene Avery

3. Review and approve minutes of 12/8/2022

Danele Rhoads made a motion to approve the 12/8/2022 meeting minutes, seconded by Janene Berriault. Danele Rhoads, Janene Berriault, and Dennis Kaba voted in favor. Arlene Avery abstained. Motion carried.

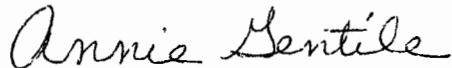
4. Public Hearing Deliberation

None. The public hearing was continued to March 23, 2023. There was a brief discussion about the role of the ZBA with regard to variances.

5. Adjournment

Danele Rhoads made a motion to adjourn, seconded by Janene Berriault. All were in favor. Motion carried. The March 9, 2023 meeting of the Stafford Zoning Board of Appeals was adjourned at 7:37 p.m.

Respectfully submitted,



Annie Gentile
Recording Secretary