

Middlefield Zoning Board of Appeals

November 27, 2018

Minutes

(Not approved at time of filing)

1. Meeting called to order by Chris Champagne

2. Roll Call: Present were Chris Champagne-regular, Joe Angello-regular, Charles Augur-regular, Mike Janis-regular, Michael Skelps-alternate and Peter Neidhardt-alternate.

3. Amendments to Agenda

4. Approval of Agenda

Motion to approve the agenda as published was made by Dave Glueck seconded by Joe Angello and approved by all.

5. Approval of Minutes

Motion to approve the October minutes as published was made by Joe Angello, seconded by Mike Janis and approved by all.

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Pg.1 item 5: paragraph 4 change Mr. Champagne to Mr. Neidhardt

Motion to approve the November minutes as amended was made by Mike Janis, seconded by Peter Neidhardt and approved by all.

6. Deliberations 537 Main St

Mr. Champagne started the continued deliberations with the safety concerns. Mr. Champagne reached out to the Fire Marshall (Peter Tyc) and the Zoning Official (Jerry Russ). They responded they did not feel the fence height would impede any safety issues. Mr. Glueck stated he appreciated the applicant putting a section of the fence as requested on the property. Mr. Champagne spoke about the uniqueness of the lot and harmony. He asked for any comments or concerns from the other board members of the board. Discussion and conditions for regulation 08.02.01 (height) continued.

Deliberations for 08.16.03 (unfinished side) started. Mr. Janis felt someone might question the regulation if the “wrong side facing out” was allowed. Mr. Glueck said he did not feel precedence would be set due to the uniqueness of the property and safety issues of the street. Mr. Champagne did

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not feel hardship would be met because there are other ways to accomplish the project. Discussions continued. It was decided that each variance would have its own motion. Conditions for each motion were discussed.

Motion to approve a variance from section 08.16.01 of the zoning regulations to permit the construction of a fence 6 ft. in height on the 537 Main St property, consistent with the application presented, subject to the following conditions:

1. Fence shall be located (a) in substantially the same area of the existing fence as shown on Exhibit A and no closer to the street line, or (b) at a similar location that is further away from the street line.

Motion was made by Dave Glueck, seconded by Charles Augur and approved by all

Discussion and conditions for the 2nd motion (08.16.03) were discussed.

Motion to approve a variance from section 08.16.03 of the zoning regulations to permit the construction of a fence with the “finished” side facing into the 537 Main St property, consistent with the application presented, subject to the following conditions:

1. Fence shall be located (a) in substantially the same area of the existing fence as shown on Exhibit A and no closer to the street line, or (b) at a similar location that is further away from the street line.

Motion was made by Charles Augur, seconded by Joe Angello and approved by one member opposed by 4 members, motion was denied.

Mr. Champagne thanked the applicant and Atty. Corona and explained the next steps in the variance process.

7. New application 55 Lake Rd to appeal ZEO decision.

Mr. Gazerwitz explained his application. Mr. Champagne explained to him what he would need to do for the Public Hearing. Mr. Champagne explained notification to abutting neighbors. The Public Hearing will be set for January 22, 2019. An unidentified person from the audience asked if the Public Hearing could be moved up. Mr. Champagne explained due to time constraints that could not happen.

Mr. Gazerwitz discussed “Stop Work Orders”. The homeowners asked that the decision be expedited. Mr. Gazerwitz continued to explain the issue he had. He was asked to save all those concerns for the Public Hearing. Mr. Champagne asked the homeowners for permission to visit the property which was granted. The meeting for this hearing was changed to 7:00 and noted for the record.

8. New Business: none

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9. Chairman's Report: none

10. Miscellaneous. Mr. Champagne asked the board members if they thought they should have council present for the Public Hearing. All were in favor of additional legal counsel Mr. Champagne said he would reach out to find council before the Public Hearing.

11. **Motion to adjourn at 9:30 was made by Joe Angello, seconded by Mike Janis and approved by all.**