

**Bolton Zoning Board of Appeals**  
**Regular Meeting Minutes**  
**March 12, 2024 7:00 p.m.**  
**Bolton Town Hall, 222 Bolton Center Road**  
**In-Person Meeting and Virtual Utilizing Zoom**

**Members Present:** Chairman Morris Silverstein, William Pike, Jonathan Treat and Alternates Tom Lyon (seated for Josh Machnik) and Mary Terhune (seated for Anne Decker)

**Regular Meeting**

**1. Call to Order:** Chairman Morris Silverstein called the meeting to order at 7:03 p.m.

**2. Public Comment:** No public comment

**3. Public Hearing**

**#ZBA-24-1: Alex O’Neil – 366 West St. – 15 ft. side yard variance to allow for an addition to the existing garage**

Alex O’Neil spoke on his behalf. Caitlin O’Neil attended the meeting via Zoom. The O’Neil’s are proposing a garage addition to be built onto the south side of the existing garage. They are seeking a 15 ft. side yard variance due to the topography of the lot, lot configuration, location of the well and septic system and the location of existing structures on the lot. Landmark Surveys produced a site plan. The abutting neighbors have not indicated a problem with the building of the new structure.

W. Pike asked that based on the hardship, if the new garage could be put behind the pool area. Mr. O’Neil noted that that area is very wet and would not be esthetic to abutting neighbors. Running electricity to that area would be problematic and it would not allow for a new leach field if that ever became necessary.

Carol Drown, a neighbor to the south side expressed her concerns. She felt that she would be losing the footage that she would need to develop her property and to put in a road for access. She believes that there is currently an easement between the two properties. Discussion ensued and Ms. Drown indicated that she would double check the usual variance requirements with the Town Engineer. The Board members reassured her that there would be no impact to her property.

W. Pike noted that more investigation should be done based on the concerns of the Ms. Drown.

Mr. O’Neil read his hardship statement based on a request by J. Treat.

M. Terhune had questions about the survey which W. Pike was able to explain to her. She also asked where the garage doors would be. It will be one 14-ft. door for access. Mr. O’Neil is planning to store an RV in the proposed structure. She asked if they considered having the

structure freestanding as opposed to having it attached to the existing structure. Mr. O'Neil felt that having it attached to the current structure would have the least impact to the neighbors and the view from the existing structure.

T. Lyon asked about the height of the new structure. Mr. O'Neil stated that the new garage will be about 10 ft. higher than the existing structure.

J. Treat asked about removing part of the existing structure and rebuilding. Mr. O'Neil stated that it would be difficult due to the structural nature of the existing building. J. Treat asked M. Silverstein if part of the responsibility of the Board is to not expand variances to conformity. M. Silverstein noted that discretion is also part of the responsibility of the Board.

Mr. O'Neil noted that he understands the rules but he feels that there is room for latitude to be given if there is no direct impact to the abutting neighbors.

Joseph Jazwicz, 7 Lucks Way, stated that he has no objection to the proposed variance.

J. Treat read from Page 60 in the Zoning Board of Appeals manual. He feels that there is something about that that is particularly judicious. Mr. O'Neil stated that he did not create an additional hardship.

Robert Cindric, 2 Deer Run, spoke about the hardship. The hardships are preexisting and were inherited. He feels that the O'Neil's are trying to build on to the house in the best and most equitable way possible. J. Treat responded that the setback exists to protect the neighbor. The minute that is infringed upon, that neighbor would be losing the benefit of the setback latitude.

Joe Sandberg, 370 West Street, stated that he has no objection to the proposed variance.

Carol Drown would like to have more time to review the documents.

T. Lyon asked if Ms. Drown can provide proof of the easement between the two properties.

J. Treat read from a letter that Mr. O'Neil sent out in February to abutting neighbors to explain his project. J. Treat feels that was an invitation for anyone to get more information.

M. Silverstein closed the Public Hearing.

J. Treat asked M. Silverstein what his feeling was. M. Silverstein asked the members to look at pages 689 and 690 in the CT General Statutes. He asked the Board members how they feel about the points noted on those pages.

T. Lyon feels that it is called a variance for a reason.

M. Terhune felt that if the abutting neighbor feels that she doesn't have enough information that is a concern and should be a consideration.

W. Pike noted that whenever a neighbor has a question or a concern, historically a decision is not made until they are informed. He would like to table the decision without any prejudice.

J. Treat asked –facing the house from the street, could an emergency vehicle gain access to the left of the house. Mr. O’Neil noted that there is access.

M. Silverstein noted that it would be incumbent on the neighbor to provide her documentation for the next meeting.

M. Terhune feels that it is necessary to give the neighbor time to gather information before the next meeting.

Joe Sandberg asked if a special meeting could be called. M. Silverstein stated that it wouldn’t be practical.

M. Silverstein stated that the decision will be postponed until the April meeting.

J. Treat believes that it would be prudent to have the utility company write a letter of blessing for the safety of the community, maintenance reasons, etc. based on the electrical pole being so close to the proposed new structure.

#### **4. Approval of Minutes:**

##### **December 12, 2023**

M. Terhune made a motion to accept the minutes as presented. T. Lyon seconded. The motion passed unanimously 5:0:0.

#### **5. Other: None**

#### **6. Adjournment**

J. Treat made a motion to adjourn at 8:12 p.m. M. Terhune seconded. The motion passed unanimously 5:0:0.

Respectfully submitted,

*Leslie J. Brand*

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Please see minutes of subsequent meetings for corrections to these minutes and any corrections hereto.