



Town of Griswold



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GRISWOLD ZONING BOARD OF APPEALS REGULAR MEETING MINUTES

JUNE 3, 2009

GRISWOLD TOWN HALL

I. REGULAR MEETING/PUBLIC HEARING(S) (7:00 P.M.)

1. Call to Order

Theodore Faulise, Chairman, called this meeting of the Griswold Zoning Board of Appeals to order at 7:00 p.m.

2. Roll Call

Present: Theodore A. Faulise, Dorothy Doucette, Ronald Anthony, Ronald Jodoin, William Przulucki. Alternates Louis Demicco III, Maryann Manning, Jeffrey Petersen, Recording Peter Zvingilas Secretary Donna Szall

3. Determination of Quorum

There was a quorum for this regular meeting of the Zoning Board of Appeals.

4. Matters Presented for Consideration

A. ZBA 10-09 Jensen, Peter & Janet, P.O. Box 652 Jewett City, CT. Property Location: 72 Latham Drive, Griswold. Requesting relief from Town of Griswold Zoning Regulations for Section 10.4.1 to reduce the right side yard requirement from 15 ft. to 2 ft. and reduce the rear yard requirement from 15 ft. to 4 ft. 11 inches in order to relocate an existing shed. The property is in the R-40 zone.

T. Faulise asked if Peter or Janet was here to present the application. Peter Jensen was present. T. Faulise asked for the green cards from abutters. P. Jensen submitted the 4 abutters' notifications to the board. T. Faulise asked him to explain his hardship. P. Jensen explained that his lot is 75 ft by 100 ft. and they are building a retirement home on the property. He explained that there was an original shed on his property that fell apart when they moved it to build the house. He explained that the original shed was replaced by a new shed and where it is now located is the most logical place to put. He stated that the shed will be about 10 ft. from the house.

D. Doucette asked if P. Jensen if he obtained a permit for the shed. P. Jensen stated that he did not get a permit because he had a shed on the property. T. Faulise asked if the original shed was 2 ft from the property line. P. Jensen stated that the original shed was 5 ft. from the property line. D. Doucette asked if the new shed is the same size as the old shed. P. Jensen stated the original shed was smaller. P. Jensen stated that they can put the shed on the property without a variance but it would be 1 foot from the foundation and to do that it would be difficult to build the house. R. Anthony asked if the first shed was on a foundation. P. Jensen stated no it was built on the ground many years ago and we knocked it down and put the new shed.

T. Faulise asked if the shed can be moved to the back of the house it would meet the setbacks. P. Jensen showed where the septic system and the reserve were located. He stated that they could turn the shed around move it on the side to meet the setbacks.

T. Faulise asked P. Jensen if he had any other comments. P. Jensen stated that he would answer any questions. T. Faulise asked P. Zvingilas if he had any comments. P. Zvingilas explained what Mr. Jensen described was accurate. He stated that there are neighbors here who would like to make some comments. P. Zvingilas stated that the notice that went out wasn't clarified. He stated that a map and a description were sent out but he didn't know if there was the date of the meeting. T. Faulise stated that we can get into that later since the abutters are here, if there is a question on the notification we can continue the public hearing to renotify the abutters if someone feels that they were not noticed properly.

T. Faulise asked if there was anyone to speak in favor. He stated that there was no correspondence in the file either for or against the application. He asked if there was anyone to speak against the application.

Bhadresh Shah, 68 Latham Drive voiced objection to the variance. D. Doucette asked him to show where he was located on the map. He explained that his how was in back. B. Shah explained that the original shed was in the middle of the property shed in 2007 and that the new, bigger shed was in 2008. He spoke to Peter Zvingilas and the secretary that the setback was 15 feet. P. Zvingilas explained that the property is in the R-40 zone. T. Faulise asked him how the shed being that close would affect him. B. Shah stated that he didn't want it close to the property because of the kids. He stated that it was only about 4 ft. from his property now. He stated that his front door is right there. T. Faulise asked if 10 ft. would make a difference. B. Shah stated that at least 10 ft. or 15 ft would be better. There was discussion of this matter.

T. Faulise asked if there was anyone else to speak in opposition to this application. Scott Swanson 74 Latham Drive. D. Doucette asked to show where he was located on the map. He did so stating that it was to the right. He stated that this was a self-imposed hardship and that they owned both pieces of property. He stated that the original shed was not 5 ft. from the property line; it was 13 ft. from the property line. He stated the original shed was about 1/3 the size of the new shed that is there now. He stated that the new shed was placed on his property line. He explained that P. Zvingilas had told him that it had to be 15 ft. and there couldn't be both because the size of the lot.

S. Swanson stated that he was opposed to the way that he was notified having received only the letter with small print at the bottom. There was discussion of this matter. T. Faulise stated that since you are here, the intent of the notification is to allow you to come before the board. He asked if they felt comfortable that they have enough information. S. Swanson stated yes, it stated that he was notified underhandedly. T. Faulise asked the board if anyone had a problem with that. There was a consensus from the board that there was not problem with that.

R. Jodoin stated that he spoke with the gentleman and looked around and that there is not much room there. D. Doucette asked if he came to the town hall to complain about this. S. Swanson stated yes and spoke to Al that a letter was sent to the town attorney that they were not in compliance with this mess.

S. Swanson stated that there is a border dispute between him and the Jensens in litigation. He stated that they did a survey for septic approval and he showed the property line and where their fence was located. There was discussion of this matter including that he did a survey by Boarders.

He reiterated that their hardship was self-imposed. T. Faulise asked him how long he lived there if it was a new house. S. Swanson stated five years and it was not a new house. T. Faulise stated that the original house was there and a new piece was chopped off. S. Swanson stated yes.

T. Faulise asked P. Zvingilas to clarify what happened with the town attorney. P. Zvingilas stated that when we became aware of what was going on, I looked at it and the shed was put there in

2008 which is in violation of the zoning regulations that requires a primary structure before there are any accessory structures and they were told to get rid of the shed or they could build a house on the property so that a permit can be given for the shed. He stated that this has been going on for a number of months and now there is a building permit for a house on the property for a foundation that has been put in place and we expect the house to be built there. P. Zvingilas stated that the shed is in violation of set back rules that requires 15 ft. That is why they are here to keep the shed at its present location. He stated that those lots are small there and the neighbor in back has concerns for his property values. There was discussion of this matter.

Janet Jensen stated that the shed was brought in the property line was not in dispute it was sold to the people. She stated that the shed was 6 ft. 11 in. from the property line. She stated that it now is in litigation in the hands of the attorneys. She stated that the shed is to store things from their house that they sold in the borough. T. Faulise asked the dimensions of the shed. P. Jensen stated that the shed is 15 ft. x 20 ft. T. Faulise stated that it is half the size of the house. P. Jensen stated that the house is 15 ft. x 40 ft. T. Faulise asked that if the shed was moved to the back of the house that would keep the right 15 ft. set back requirement. P. Jensen stated that it would be about 10 ft or so. There was discussion of this matter.

T. Faulise asked for any closing comments. He asked board members for questions. D. Doucette Stated that she looked at it, she thought that if the shed was closer to the house for someone who expects to be in a wheel chair. She stated that she can see why the people around you are objecting to the shed and that there are other places to put the shed to get it further away from the property lines. R. Jodoin stated that he felt that it was a self-imposed hardship and he looked it over and if the shed was moved to somewhere else. P. Jensen stated that if we turned it completely around on the right hand side 1 ft. away from the foundation. There was discussion of this matter. P. Zvingilas stated that if there would be a variance to put the shed closer to the foundation, he suggested that it be 3 ft. egress area for safety to the back of the house. S. Swanson asked the purpose of the 15 ft. setback. T. Faulise explained that it was to create a buffer so that something isn't built so close.

T. Faulise stated that fencing was not an option to the neighbors. S. Swanson stated that he is putting a fence up. D. Doucette stated that the board needs to accept or reject this variance and they can come for another variance. T. Faulise stated that a condition could be put in place that the shed be moved to be in compliance after the house is built and that this can be an enforcement action by the zoning officer. There was discussion of this matter.

P. Jensen stated that the fence was put in before the building was there. S. Swanson stated yes. J. Jensen asked that if the shed cannot be moved can be do what the zoning officer asked to put the shed for the 3 ft. egress. T. Faulise stated that the shed can be put in the corner close to the house to meet the set back requirements. There was discussion of this matter.

T. Faulise closed the public hearing. He asked for further discussion. Hearing none, he asked for a motion. R. Jodoin made a motion to deny the variance. D. Doucette seconded the motion. T. Faulise explained those issues such as neighbor complaints, or some type of hardship. T. Faulise asked for anyone in favor of granting this variance. There were no aye votes. The variance was denied.

He asked who was opposed. There were 4 votes opposed. He asked P. Zvingilas to work with the Jensens to move the shed around so it will work.

B. ZBA 11-09 St. Mary Catholic Church, 34 North Main Street, Jewett City, CT. Property location: 54 North Main Street, Jewett City. Requesting relief from Borough of Jewett City Zoning Regulations for **Section 12.6.1** Waiver in its entirety, to allow more than 6 units in the existing building, any of which shall be located at either street level or above and below street level. **Section 13.6** Waiver in its entirety, the landscaping, screening buffer and architectural requirements. The property is in a BC zoning district.

T. Faulise asked if anyone was here to represent the application. Joe Mastronunzio, Brom Builders was present to represent St. Mary.

R. Anthony recused himself from this matter as an abutting property owner. T. Faulise appointed M. Manning to sit for R. Anthony. There is a quorum for this public hearing.

Joe Mastronunzio submitted the notices sent to the abutters for this. He explained that he sees this as a clarification of a number of variances requested in January 7, 2009. He gave a background of the St. Mary School project explained that the structure is a landmark in town and is currently vacant. He stated that the parish gave it much consideration and decided that the building should be converted to senior housing. He explained that Brom Builders and Sheldon Oak Central, Inc. are working with the parish to meet the regulations of the borough for this usage. He explained that he met with P. Zvingilas and Mr. Fontneau to ask what the parish should do to make the project happen and they suggested the variances that would be required of the Borough regulations.

J. Mastronunzio explained that the legal notice went out with the melding of two of the requested variances for Section 12.6.1 and Section 13.6 that was an inadvertent type in the notice and the same information was carried though for the approval that was granted on January 7. So we are here to have the two specific sections be approved and that these two sections are clarified for the Planning and Zoning Commission public hearing for our special exception for the project in the commercial zone. There was discussion of this matter including that this is a viable project for the DECD

D. Doucette asked if will be on the tax rolls. J. Mastronunzio stated that it will be put on the tax rolls at a pro rata share. R. Jodoin asked if it was determined if a ladder truck can make the turn around there. J. Mastronunzio stated yes that there is a letter from the Fire Marshal stating that the radius is there. R. Jodoin asked if it is for 65 and over. J. Mastronunzio explained that age 62 is the minimum age since this is funded by the HUD 202 program there cannot be anyone under age 62 who is disabled. He explained that it is strictly for seniors who are low income subsidizes at 30 % of their income.

J. Mastronunzio explained that town council stated that the ZBA cannot provide variances that eliminate the special exception; and that we know that we must go before the planning and zoning commission. He stated that the planning commission is aware that there are variances and waivers granted to help this project move forward. There was discussion of this matter including that there was discussion with the town planner and the zoning officer of what was needed. T. Faulise stated he was told by P & Z that there are special requirements to do the other things and those items must be met and they are at the P & Z discretion. He also stated that he was told by two attorneys that ZBA did not have the right to waive them. There was further discussion of this matter including that there was nothing written only verbal information.

R. Jodoin stated that he has never heard anyone speak against this project.

J. Mastronunzio read Borough regulations Section 7 for record; he read Section 12 where elderly housing is permitted; he read Section 16.2 for the record that cites CGS Section 8.6 and 8.7. There was discussion of this matter.

T. Faulise stated that if we voted in favor and you go to P & Z for the landscape buffer and screening and they want them. J. Mastronunzio stated that we are doing the landscaping buffering. T. Faulise asked then why are you asking for the variance. J. Mastronunzio explained that at the time we didn't know what the project would entail. P. Zvingilas stated that they applied for all the variances that the American Legion applied for and that is why they are there. J. Mastronunzio stated that there will be landscaping and we wanted responsibility. T. Faulise asked that if you

were not granted 12.6.1 you would not be able to do the project. J. Mastronunzio explained that yes, we will have 24 units and if we didn't have this variance for the density, we could not go forward with this project. There was discussion of this matter including Section 13.4 that was read for the record.

T. Faulise asked if there was anyone for or against the application.

R. Jodoin recommended that we move forward with this and grant the variance. T. Faulise closed the public hearing. He stated that there is no correspondence in the file for or against it. He wanted to put it to a vote whether we have the right to grant variances for 12 and 13 and we have the literal interpretation of Section 16. He stated he was told that those are mandatory requirements. He asked to put it to a vote to continue this and vote on it. All were in favor to vote on it as a regular variance.

T. Faulise asked for any questions or comments on the resubmitted application. T. Faulise asked that all those in favor of granting the two variances signify by say aye. There ayes were unanimous.

5. Old Business

A. Approval of the minutes from May 6, 2009.

T. Faulise asked for any omissions or corrections. D. Doucette made a motion to accept the minutes as presented. R. Jodoin seconded the motion. All were in favor. The motion carried.

6. New Business

There was no new business.

7. Correspondence

There was no correspondence.

8. Adjournment

R. Jodoin made a motion to adjourn. D. Doucette seconded the motion. All were in favor. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary