



Town of Griswold



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GRISWOLD ZONING BOARD OF APPEALS

REGULAR MEETING MINUTES

SEPTEMBER 4, 2013

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 Jodoin, Alternate Duane Button, Maryann Manning, Recording Secretary Donna Szall

Absent: Ronald Anthony William Przylucki, Alternates Louis Demicco, III,

3. Determination of Quorum

He appointed M. Manning to sit for W. Przylucki. He appointed D. Button to sit for R. Anthony. There was a quorum for this regular meeting of the Zoning Board of Appeals

4. Matters Presented for Consideration

A. ZBA 11-13 ERIN TRAVALLION & JAMES LYNN. PROPERTY AT 10 SHORE DRIVE, GRISWOLD, CT.
Requesting relief from Town of Griswold Regulations Section 10.4 to reduce the right side yard requirement from 30 ft. to 19 ft. in order to construct an addition consisting of a 16.5 ft. by 17.1 ft. room and a 16.0 ft. by 21. Ft. room. The property is zoned R-60.

T. Faulise asked if the applicant was present and asked for the abutters' notifications. Erin Travallion presented the certificates of mailings to the board T. Faulise entered the certificates into the record and stated that there were 4 certificates of mailing. He asked her to explain why they are requesting a variance. E. Travallion explained that they have a two bedroom house and they want to make a master bedroom and a great room. T. Faulise asked the age of the house. James Lynn stated that the house was built in 1955. T. Faulise stated that it already is nonconforming. J. Lynn stated that the right side is in conformance. R. Jodoin explained that he looked into the matter and that the zone was changed and they are still nonconforming.

T. Faulise asked if the area shown in red is one structure. J. Lynn stated that the area in red is one structure but that it was two rooms; T. Faulise asked why the addition could not be kept in line with the original structure. E. Travallion explained that the addition was designed so that there would be better flow through the house in order to get to the bathroom and add another bathroom.

T. Faulise asked about the septic system. She explained that they had met with A. Gosselin of Uncas Health and he recommended that they create a new septic system and an addition leach field trench will be added and the old system will be abandoned.

T. Faulise asked if there was anyone to speak in favor; he asked if there was anyone opposed. He stated that there was no correspondence for or against in the file. He closed the public hearing. He asked for any discussion. There was no discussion. T. Faulise asked for a motion.

MOTION: R. Jodoin moved to grant the variance as presented. D. Doucette seconded the motion. All were in favor. The motion was carried. T. Faulise explained the 15 day appeal period.

B. ZBA 12-13 72 LEE AVENUE, LLC. PROPERTY AT 72 LEE AVENUE, GRISWOLD, CT. Requesting relief from Town of Griswold Regulations Section 4.2.2 to reduce the lot area required for a 2-family dwelling from 120,000 sq. ft. to 10,025 sq. ft. in the R-60 zone. Property is zoned R-60.

T. Faulise asked if the applicant was present. T. Faulise asked for the abutters' notifications. Frank Imperato submitted the certificates of mailing for the record. T. Faulise stated that there were 6 certificates of mailing entered into the record.

Frank Imperato explained that he had built the house for his son and daughter; but since then his son and daughter does not live there and he wants to convert the house to two one-bedroom apartments. He showed a photograph of the existing building. He stated that the two one-bedroom apartments would not place an additional burden on the town school system. T. Faulise stated that one of conditions of granting variances is the uniqueness of the property in the R-60 zone and asked what this property's uniqueness was. F. Imperator stated there really isn't anything but that the house is there. T. Faulise asked what the square footage of the living space. F. Imperato stated that it was 2100 sq. ft. and the garage is 2100 sq. ft. He stated that there are two doors that look like they go upstairs, but that one door goes upstairs and the other door goes to the garage. T. Faulise asked if this will be rented for family use. F. Imperator stated no, he wanted it as a rental.

D. Doucette asked when he got a building permit for this property; you issued it as being a one family dwelling. T. Faulise stated that a variance was required so there already is a condition of the land not meeting the zoning requirement square footage when the house was built. T. Faulise asked for any questions. R. Jodoin stated that he looked at the property and that there is a letter from zoning and that it was hard for us to overrule zoning. D. Doucette asked if a permit was obtained to make this a two family dwelling. F. Imperato stated no. T. Faulise stated that there is a letter in the file from Peter Zvingilas, Zoning Officer and Building Official for zoning and building violations.

T. Faulise asked if there was anyone to speak for or against the application. Thomas Ustis, 43 James Avenue, stated that was representing the Salzano family trust. T. Faulise asked if he was notified as an abutter. He stated yes and that he has two letters from the Salzano family trust to submit for the record. He stated that he explained that the people in his neighborhood are trying to prevent any future duplexes from being built on the vacant lots by developers that will affect their property values since we have all single family homes. He stated that they didn't have a problem with Mr. Imperato's duplex and there were never any problems with the tenants.

T. Faulise read a letter from Gina Salzano for the record regarding her concerns for granting a variance for a duplex that would set precedence with only five percent of the square footage required for a duplex. T. Faulise labeled this letter Exhibit A. D. Doucette read a letter from Robert Salzano regarding his concerns for granting the variance since the required square footage is 120,000 sq. ft. and that the Imperato lot is only 5 percent of the square footage required; and he was concerned for devaluation of his property should there be duplexes in the area.

T. Faulise asked for closing statements from F. Imperato. F. Imperato stated that he wanted to have one-bedroom apartments so that there cannot be more than two people in the house and no children. He stated that he maintains Lee Road. T. Faulise submitted photographs of the property to the file. He closed the public hearing. T. Ustis asked that if the variance was granted the two apartments, what prevents everyone from doing it. T. Faulise explained that it is reviewed on a case by case basis and everyone has the right to ask for a variance.

T. Faulise closed the public hearing and asked for discussion from members. D. Doucette stated that with a two-family there will be an extra burden on the septic system because of two washing machines, two bathrooms, two kitchens, and there is a letter from A. Gosselin, sanitarian, regarding volume gallons per day and that would change with two apartments. She stated that you just don't have enough land. R. Jodoin stated that he was aware of the opposition and he told Mr. Imperato that he would have a problem overriding zoning. T. Faulise stated that the abutters presented their argument for depreciation of property values since single family and multi-family are insured differently. He stated that the 10,000 sq. ft. isn't even closed when 120,000 sq. ft. was required. T. Faulise stated that he didn't see where a hardship was presented.

T. Faulise entertained a motion.

MOTION: D. Doucette moved to grant the variance as presented. T. Faulise asked for a vote to grant the variance. There were no votes. He asked for a vote of those opposed to the variance. All were opposed. The variance was not granted.

C. ZBA 13-13 JOSEPH R. & SANDRA A. BECOTTE. PROPERTY AT 23 SANDRA STREET, GRISWOLD, CT.

Requesting relief from Town of Griswold Zoning Regulations Sections: 9.1, 10.2, 10.3, 10.7 in order to reinstate the private road that was removed from map. Property is zoned R-60.

T. Faulise asked if the applicant was present. T. Faulise asked for the abutters' notifications. D. Szall stated that they were in the file. Joseph Becotte presented in application. T. Faulise stated that for the record there were 2 certificates of mailing. J. Becotte read his presentation regarding the situation that has occurred that jeopardizes the health, safety and property values and hardship. He stated that he has been to every apartment regarding this issued. He showed the lots that he owns showing Town Tax Map lots 58 which is a road having all public utilities, water and electricity, excepting sewer. He explained that the measurements of the road was taken out and without the road, it changes structure of all the properties. He stated that he only realized the error when he received taxes on Lot 60 that because the road was gone the lot across the private road was added to Lot 60 became waterfront property. T. Faulise asked if Lot 62 had a house, J. Becotte stated yes, it was not his property. T. Faulise asked if lot 61 had a house. J. Becotte stated no, there is a trailer. D. Doucette asked if there were septic systems. J. Becotte stated yes. T. Faulise asked if Lot 60 had a house. J. Becotte stated that Lot 60 has a cabin on it. T. Faulise asked if the lots were deeded to him. T. Faulise stated that he should grant easements for a deeded right of ways. J. Becotte stated that he has deeded right of ways. T. Faulise asked who took the road away. D. Doucette asked if the attorney who drew up the new deeds knew that the road was there and he did not include the right of way. J. Becotte stated that he had combined these lots. R. Jodoin stated that there always was a sign on that road and now it is gone. T. Faulise asked if it was a town road. J. Becotte stated that it was always a private road but that it was on Google, on the state maps and was always in the town as a private road. He was concerned that there were safety issues for 911 and that now mail is no longer delivered to those addresses. There was lengthy discussion of this matter including that he had wanted to change the ownership of the road.

J. Becotte stated that he was listed as a no show on Vision's chart, Item 39; and that the woman told him that it was not on her chart to go further down the private road. D. Button stated that Mr. Becotte owned the upper part and he owned the road as well, and when he gave the property and the middle section of the road to his son and that the applicant maintained the rest of the road. Vision put it all together which they cannot do. T. Faulise asked when this was done. J. Becotte stated that it was between 2005 and 2006. T.

Faulise asked how long he owned the properties. J. Becotte stated two years before that. T. Faulise asked if the lots are in separate ownership. J. Becotte stated no, the attorney combined the lots omitting the road. T. Faulise asked who owned the property before him. J. Becotte stated that it was his father-in-law's family property since 1929. There was further discussion of this matter including that lot 59 is separate from the other lots and that it may have been a one-lot split.

Mr. Becotte read his closing statement to the members that the assessor department and Vision's appraisal had made errors and that Sandra Street vanished off the maps after 54 years and before that it was LeBarr Road from 1929. He thanked the Board for listening to his presentation. T. Faulise asked if there was anyone to speak in favor of the application; he asked if there was anyone opposed. He stated that there was no correspondence for or against the application in the file.

T. Faulise recommended to Mr. Becotte to contact a good land use attorney to make corrections to the deeds in order to have the private road back. He stated that he did not see a variance here. T. Faulise closed the public hearing and asked for discussion from the members. R. Jodoin stated that he should get a land use attorney. D. Doucette stated that our Board does not have the jurisdiction to make the corrections that he asking for; and that the attorney who did the new deeds should take some responsibility and correct the deeds. There was discussion of this matter.

T. Faulise closed the public hearing. T. Faulise stated that we should deny this application without prejudice and he asked for a motion.

MOTION: R. Jodoin moved to deny this application without prejudice. M. Manning seconded the motion. All were in favor. The motion was carried.

J. Becotte thanked the Board for their time.

5. Old Business

A. Approval of the minutes from August 7, 2013

T. Faulise asked for any corrections or omissions to the minutes.

MOTION: R. Jodoin moved to approve the minutes as presented. M. Manning seconded the motion. All were in favor. The motion was carried.

6. New Business

7. Correspondence

8. Adjournment

T. Faulise asked for any other business. R. Jodoin made a motion to adjourn. D. Doucette seconded the motion. All were in favor. The meeting adjourned at 8:07 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary