



Town of Cromwell Zoning Board of Appeals

***PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY MAY 9, 2023
TOWN HALL COUNCIL CHAMBERS
41 WEST STREET CROMWELL***

RECEIVED FOR RECORD
May 15, 2023 11:27A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT *JD*

Minutes and Record of Votes

Present: Vice Chairman Dan Delisle, Mark Zampino, John Whitney and Steve Wygonowski (alternate)

Absent: Chairman Joseph Morin, John Keithan

Also Present: Director of Planning and Development, Stuart Popper, Zoning Enforcement Officer Bruce Driska

1. **Call to Order** - the meeting was called to order by Vice Chair Delisle at 6:30pm
2. **Roll Call** - The presence of the above members was noted.
3. **Seating of Alternates** - A motion was made by John Whitney and seconded by Mark Zampino to seat Steve Wygonowski as an alternate. All were in favor; the motion passed.
4. **Approval of Agenda** - A motion was made by Mark Zampino and seconded by John Whitney to approve the agenda. All were in favor; the motion passed
5. **Public Comments** - none
6. **Public Hearing:**
 - a. Application #23-03: Request for Variance from Section 3.3.B Bulk Requirements of the Zoning Regulations (Front Yard Setback) to allow for the construction of the building in the front yard setback at 48 Berlin Road in the Highway Business Zone District. Gary Hatch on behalf of AutoZone, Inc. is the Applicant and ORION PRO FRIEND SL LLC is the Owner.

Chairman Dan Delisle read the public hearing notice dated April 25, 2023.

A motion was made by John Whitney and seconded by Mark Zampino to open the public hearing for application #23-03. All were in favor; the motion passed.

Mr. Daniel Patrick, Attorney with Cuddy and Feder said he is here with Dean Apostoleris, Engineer with Kimley Horn and are representing the applicant. He said we are seeking a variance for a front yard setback since there is a 25-foot requirement in the Highway Business zone from the lot line. Attorney Patrick showed the parcel on the map, described the site, the location and the easement in front of the lot on the west side. Attorney Patrick explained the odd shape of the lot with the front property line located

Kimley Horn and are representing the applicant. He said we are seeking a variance for a front yard setback since there is a 25-foot requirement in the Highway Business zone from the lot line. Attorney Patrick showed the parcel on the map, described the site, the location and the easement in front of the lot on the west side. Attorney Patrick explained the odd shape of the lot with the front property line located behind the easement. He said as a result the front of the building is located within the front yard setback. He noted that this is the cause of the hardship because as a result the front yard setback is located so far from Berlin Road.

He said to conform with the setback we would have to have the building and loading zone facing Route 372 and that doesn't work. Attorney Patrick said the condition is on paper and not to visible eye since the easement area is our front yard hinderance. He said we technically don't own the easement area but have complete rights to it and will use it. He said the 6, 600 square foot building will match the existing buildings on Berlin Road and it won't be any further out or back than any others.

Mr. Driska asked if the unique shape and the easement for parking is your hardship and Attorney Patrick said yes, it is a very unique property.

Mr. Wygonowski asked if the easement could change and Attorney Patrick said they would have to purchase it but we don't want to spend the money since we do own it but we just don't have the title.

Mr. Popper told the Board that the formal site plan will go to Planning and Zoning if this is approved and we will see all of the specifics there. He said the Town Engineer will review the drainage as part of the site plan review.

A motion was made by Mark Zampino and seconded by John Whitney to close the public hearing for application #23-03. All were in favor; the motion passed.

A motion was made by John Whitney and seconded by Mark Zampino to approve application #23-03. All were in favor; the motion passed.

Mr. Popper said there is a 15-day appeal period but they are welcome to come in anytime to start the site plan.

7. **Board Members Comments:** Mr. Wygonowski asked if the review of the bylaws would be on future agendas and Mr. Popper said yes.

8. **Approval of Minutes:**
a. April 11, 2023

A motion was made by Mark Zampino and seconded by John Whitney to approve the minutes of April 11, 2023. All were in favor; the motion passed.

9. **Adjourn:** A motion was made by John Whitney and seconded by Mark Zampino to adjourn at 6:45pm. All were in favor; the motion passed.

Respectfully Submitted,



Linda Imme
Recording Clerk