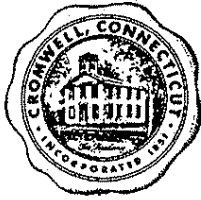


RECEIVED FOR FILING
3-14 2011 at 10:15 A.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.



**Town of Cromwell
Zoning Board of Appeals**


Joan Alliquie Cost
TOWN CLERK

***PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, MARCH 22, 2011
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

AGENDA

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. Public Hearing:
 - a. Application #11-02: Variance from Article 7.1.a (Accessory Buildings) for a cabana that exceeds the maximum allowable square footage at 59R Washington Road. Tara and Larry Bogucki, owner/applicant.
7. Old Business: None
8. New Business: None
9. Commissioners Comments:
 - a. Review By-laws for possible revisions
10. Approval of Minutes:
 - a. February 22, 2011
11. Adjourn

Memo

To: Zoning Board of Appeals
From: Craig Minor, AICP
Town Planner 
Date: March 16, 2011
Re: ZBA meeting on March 22, 2011

6. Public Hearing:

a. Application #11-02: Variance from Article 7.1.a (Accessory Buildings) for a pool house that exceeds the maximum allowable square footage at 59R Washington Road. Tara and Larry Bogucki, owner/applicant.

This is a classic case of the homeowners assuming that the contractors are going to apply for the permits, and the contractors assuming the homeowners are going to do it. Nobody did it, so the homeowners bought and installed a prefab pool house that exceeds the "accessory building" maximum.

There are two small sheds behind the house, with a combined floor area of 262 sf. The new pool house is 288 sf. The total is 550 sf, which exceeds the maximum (220 sf) by 350 sf.

The pool house is approximately one-half screened-in, and one-half standard walls. I asked the Zoning Enforcement Officer if it was possible for only half of the pool house to "count" toward the maximum allowable floor area. He replied that in previous cases like this, he has counted the entire building. It would not be fair to change that practice arbitrarily.

Although there is no hardship here, the applicants correctly point out that their lot is relatively large (1.73 acres). The maximum floor area for a house is 15% of all structures on the lot, but the maximum floor area for accessory buildings is a flat 200 sf. In other words, the regulations take into consideration the size of the lot when calculating how large the house can be, but do not take this into consideration when calculating how large the accessory buildings can be. That isn't a "hardship", but it does provide some perspective to their situation.

cc:
Tara and Larry Bogucki
file

LEGAL NOTICE
PUBLIC HEARING
TOWN OF CROMWELL ZONING BOARD OF APPEALS

The Cromwell Zoning Board of Appeals will hold a Public Hearing and Regular Meeting at 7:00 pm on Tuesday, March 22, 2011 in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #11-02: Variance from Article 7.1.a (Accessory Buildings) for a cabana that exceeds the maximum allowable square footage at 59R Washington Road. Tara and Larry Bogucki, owner/applicant.

At this hearing interested parties may appear and be heard, and written testimony received. This application is on file in the office of the Town Planner at 41 West Street, Cromwell, CT.

Thomas Tokarz
Chairman

Dated in Cromwell, Connecticut this 10th day of March 2011

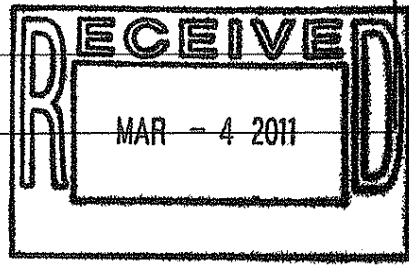
#11-02

rev. 4/7/2010

TOWN OF CROMWELL ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE, ZONING APPEAL, DMV LOCATION APPROVAL, OR CHANGE OF NON-CONFORMING USE SPECIAL PERMIT

Address: 59R Washington Rd		Map/Block/Lot:
Zoning District: A-25	PIN#: 00458200	Volume/Page: 716/52
Applicant: Larry Bugucki	Property Owner: Larry Bugucki	
Home or Business Address: 59R Washington Rd	Home or Business Address: 59R Washington Rd	
Phone: 860 559-4227	Phone: 860 559-4227	
I hereby certify that the information presented is to the best of my knowledge true and accurate, and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked. <input type="checkbox"/>	I hereby consent to the Applicant acting as my agent for the purpose of this application.	
Signature: Larry Bugucki	Signature: Larry Bugucki	
Type of Application (check one): <input checked="" type="checkbox"/> Variance from Article 7.1a of the Zoning Regulations. <input type="checkbox"/> Appeal from ZEO Decision dated _____ <input type="checkbox"/> Change of Non-Conforming Use Special Permit. <input type="checkbox"/> Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)		
Description of Request: Allow us to keep the poolhouse even though it exceeds the 200 square feet limitation		



Justification for Request:

If Applying for a variance, state the hardship and explain why the variance is required.

If appealing a Decision of the ZEO, explain why you feel the ZEO is wrong.

If Applying for a Change in Non-Conforming Use Special Permit, explain how the new use will be less non-conforming than the current use.

If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

See attached

X. If you are applying for a variance to reduce a minimum setback by one-half or more, you must submit either a "zoning location survey" or a recent "as-built survey". This survey should show the location of the desired building, the setbacks, and as much of the site as is necessary to illustrate what your are requesting. Photocopies of the Tax Assessor's Map are not acceptable.

2. Written notice must be sent to the owners of property across the street and property that abuts this property not less than 14 days before the public hearing. A "certificate of mailing" must be submitted to the ZBA not less than 10 days before the hearing.

3. A sign must be posted on the property not less than 14 days before the public hearing per Article 21.1 of the zoning regulations.

Jerry Bern

applicant

3/4/11

date

Justification for request of a variance at 59R Washington Rd.

Last summer we decided to have a in ground pool put in our back yard. Having a young family we wanted to provide for our children, a place where they could have friends over and have fun in a safe environment. After much research we decided to go with Juliano's Pool Company. They were going to manage the whole project and pull all permits. Then in early September, Fred Curtain came and asked if we had a permit for the pool house/ cabana. After his visit I called Brian Juliano to get a copy of the permit. That was when we were told that he just pulled permits for the pool, even though he was doing the landscaping where the pool house was going, and was working with us, and Klotter Farms (the manufacturer) to make sure everything was is order. Since then we have been attempting to get things in order, so come Spring we can complete the project and be in compliance with the zoning regulations.

So we are asking for a variance for the following reasons:

The 200 square feet of out build does not take into consideration the size of the lot. Our lot is approximately 1.75 acres.

Half the pool house is a screened in patio.

We have received notification from the town that out property taxes have already increased due the pool house.

There is no real visual effect from Black Haw Drive.

Due to having the out buildings it makes the property neater and nicer than having items that are currently in the sheds put under tarps. All the out building are painted and have shingles that match our house.

Our neighbors, the Kramer's, who are most visually impacted by the out buildings and pool house have no problem with any of them.

The contractor was suppose to obtain **all permits** and we would not have moved forward if we were aware of that it was not done. However we are now in a position to ask for a variance and hope that you will grant it so we can continue with the project, but now being much wiser in regards to permits and zoning regulations.

Thank you.

Tara and Larry Bogucki



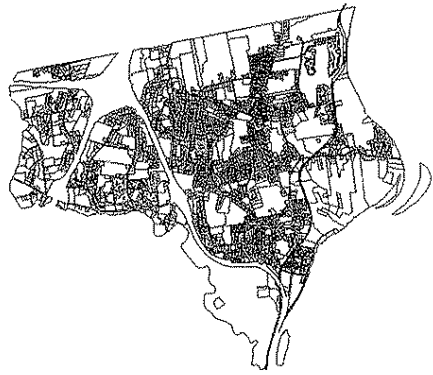
Property Information

Property ID 00458200
Location 59R WASHINGTON ROAD
Owner Name BOGUCKI TARA E & LARRY J



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

The Town of Cromwell makes no claims, no representations, and no warranties, expressed or implied, concerning the validity (expressed or implied), the reliability, or the accuracy of the GIS data and GIS data products furnished by the Town, including the implied validity of any uses of such data. The use of this data, in any such manner, shall not supercede any federal, state or local laws or regulations.





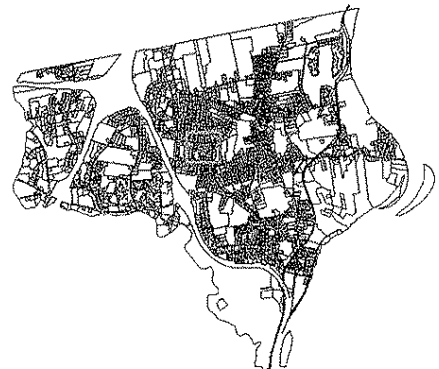
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Minor, Craig

From: Minor, Craig
Sent: Wednesday, March 16, 2011 4:09 PM
To: 'Tara Bogucki'
Subject: RE: 59R Washington Road

Tara:

We need to know how much "accessory buildings" you have, so we can calculate how much of a variance you are requesting. Shed #1 is 192 sf and Shed #2 is 70 sf, and the cabana is 288 sf, so you have a total of 550 sf. The maximum allowed is 200 sf, so you are requesting a variance of 350 sf.

I'm writing my comments to the ZBA now. If something else comes up I will let you know right away.

- Craig

-----Original Message-----

From: Tara Bogucki [mailto:tara.bogucki@yahoo.com]
Sent: Wednesday, March 16, 2011 2:55 PM
To: Minor, Craig
Subject: Re: 59R Washington Road

Craig,

The dimensions for the cabana is 24 by 12. The larger shed is 16 by 12 and the smaller shed is 7 by 10. The smaller one was made by our Grandfather and it maybe off a little. Will the size of the two sheds come into play, or are we just asking for the variance for the cabana??? Also if you remember I do not know if a permit was gotten for the smaller shed, however since it was built over 8 years ago, that would not matter. Do you know of any other concerns that we should be addressing????

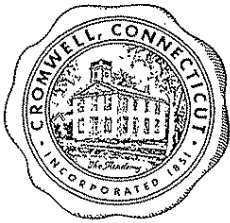
Thanks,
Tara

From: "Minor, Craig" <cminor@cromwellct.com>
To: Tara Bogucki <tara.bogucki@yahoo.com>
Sent: Wed, March 16, 2011 2:03:36 PM
Subject: RE: 59R Washington Road

Tara:

Your application doesn't give any dimensions. What are the dimensions of the cabana, and of the two sheds? Thanks.

- Craig



Town of Cromwell

FIRST SELECTMAN'S OFFICE
NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

February 17, 2011

Samantha Cahill
164 Woodland Drive
Cromwell, CT 06416

Dear Ms. Cahill,

I am pleased to advise you that the Board of Selectmen appointed you to fill a vacancy on the Zoning Board of Appeals, at their January 19, 2011 meeting. Your term will expire November 2011.

Please make arrangements with Darlene DiProto, Town Clerk, to be sworn in. Darlene may be reached at (860) 632-3440.

Congratulations, and thank you for serving your community in this way.

Thank you again. I am looking forward to working with you.

Sincerely,

John M. Flanders
First Selectman

JMF/re

Copy: Darlene DiProto, Town Clerk
Chairman ZBA

Selectman's Office 632-3410 • Finance 632-3414 • Public Works 632-3420 • Town Planner 632-3422 • Building Department 632-3428
Sewer Department 632-3430 • Town Clerk 632-3440 • Assessor 632-3442 • Tax Collector 632-3445 • Zoning Officer 632-3422
Health Department 632-3426 • Registrars 632-3418 • Youth 632-3448 • Elderly 632-3447 • Human Services 632-3449
Engineering 632-3420 • Library 632-3460 • Recreation 632-3467 • Emergency Management 632-3422
Human Resource / Risk Manager 632-3497 • Senior Transportation 632-3451

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TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING

John Augustine Ass.
TOWN CLERK

7:00 P.M. TUESDAY, FEBRUARY 22, 2011
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET

MINUTES

1. **Call to Order:**
Chairman Thomas Tokarz called the meeting to order at 7:07 PM.
2. **Roll Call:**
Present: Chairman Thomas Tokarz, Vice Chairman Ed Wenners, Alternate Stanley Stachura, Alternate Brian Fisk
Also Present: Town Planner Craig Minor, BOS Liaison Ann Halibozek, Commission Clerk Sarah Voog
Absent: Kimberley Enowitch, Shaun Sullivan, Alternate Jeffery Ramia, Alternate Samantha Cahill
3. **Seating of Alternates:**
Ed Wenners made a motion to seat Alternates Stanley Stachura and Brian Fisk, 2nd by Thomas Tokarz.
Vote:
Yes: Thomas Tokarz, Ed Wenners. Motion Passed.
4. **Approval of Agenda:**
Stanley Stachura made a motion to approve the agenda, 2nd by Ed Wenners.
All in Favor. Motion Passed.
5. **Public Comments:**
None
6. **Public Hearing:**
 - a. Application #11-01: Variance from Article 11.3 (Rear Lots) at 16 Newbury Road. H & C Developers LLC, owner/applicant.

Chairman Tokarz opened the public hearing for Application #11-01 and pointed out that since there were only 4 members present at the meeting, the applicant could choose to postpone the hearing of the application until the next meeting. He also indicated that Samantha Cahill filled Christie Carpino's vacant position.

Stanley Stachura said the applicant could choose to present the application at this meeting and members not present could listen to the recording of the meeting and rule on the application at the next meeting.

Attorney Sal Petrella, office located at 630 Main St, representing H & C Developers LLC presented the application.

Mr. Petrella said they would like to move forward with presenting the application and decide later whether to wait for the ruling at the next meeting. Attorney Petrella explained that the original proposal did not have a spur road but P&Z wanted a connector road from Newbury Road to Court Place. He said the Town asked H & C Developers to assist in fixing the drainage problem in the area by contributing \$25,000 to improvements the Town would be making to solve the area's drainage issues. He also commented that an additional \$40,000 of drainage infrastructure was installed within the subdivision to address the site drainage issues. He said that the Town Engineer indicated that the Town is moving forward with the required easements from property owners and the documents are in the process of being signed.

He said the appropriate property owners were notified by certified letter and the sign has been in place for several months. Attorney Petrella said that there are three variances that are needed to create three buildable lots, 8a, 8b & 9, as listed on the proposed plan. One is the requirement for a "buildable square" and he then described lot 8b's buildable rectangle consisting of good land with no site issues such as wetlands or slope. The second one is frontyard setback for a rear lot. The third is double the minimum lot size. He stated the hardship is that without the required variances the land would have no other use and the potential for development would be lost. He told the Board that the Town and P&Z Commission were the ones that required the spur road and that it was not proposed in the original plans presented. He said when the Town did not obtain the necessary easements for the spur road it caused the need to reconfigure the parcels to recover the loss of the 21st lot that was part of the original proposal. Attorney Petrella asked to be allowed time to speak after public comments.

Thomas Tokarz asked to have the drainage issues clarified and John Hagel of 12 Sachem Drive, and one of the owners of H & C Developers said he would like to answer. Mr. Hagel said that the original design was to connect to Wildwood Road and install catch basin for drainage, which would have had the 2 lots fronting on a town road. He said instead they were required to change the plans to include the spur road and asked to provide \$25,000 to assist the Town in solving the existing Court Place drainage issues, along with the on-site drainage infrastructure for the subdivision.

Discussion was held with several commissioners commenting on the lot configurations, easements needed and setback requirements.

Attorney Petrella then talked about the site preparation that was made to accommodate the spur road and how the Town could not obtain the required easements from the intervening property owners to connect the road to Court Place. He said that it has been five years since the plans were filed and the timeline was running out so after four or five months of BOS meetings the Town formally abandoned the spur road requirement and agreed that turning it into a driveway was the appropriate resolution. He indicated that they have requested an extension to the time requirement. He describe the 3 lot's configurations stating that they focused on the appearance of the lots from the street perspective. He said they complement each other and will look nice.

Chairman Tokarz invited the public to speak asking them to state their name and address for the record.

Mike Morgan of 11 Newbury Road said his property sits diagonally across from the lots and he supports the approval, as it is a reasonable solution to finishing the project and resolving the drainage issues. He said that he had water in his backyard and that Hagel has done an excellent job in providing relief without connecting the other drainage improvements. He said he has been living with an unfinished road and piles of dirt because this matter has been up in the air for so long. He said he would appreciate the approval of all the variances.

Scott Rodrigue of 22 Newbury Road said his home is right next to lots 8a & 8b and he is in favor of approval as the drainage runs through his backyard and he would like to see the road and project finished.

Chris Galletta of 3 Newbury Road said he lives in the development and is in support of approval as he would like to see the road finished with the caveat that the easements be finalized. He said the drain that is supposed to handle the drainage issues doesn't go anywhere right now and it needs to be connected to take care of the drainage issues in the whole area.

Barbara Fountain of 30 Oakwood Manor said her backyard abuts the lots. She explained that she is currently in negotiation with the Town for the needed easements. She said that it should have no bearing on the approval of the lots as the drainage problem will be taken care of, as it is everyone's best interest. She said that she is in support of approval.

Thomas Tokarz explained that it requires four votes in favor of the application for approval.

Brian Fisk made a motion to close the Public Hearing at 8:05 PM, 2nd by Stanley

Stachura.

All in Favor. Motion Passed.

Brian Fisk made a motion to approve application #11-01, 2nd by Stanley Stachura.
Discussion was held on how the plan presents the side and front yards to clarify the issue.

Brian Fisk explained that in terms of the orientation of the proposed home for the rear lot (8b) the side yard to the house will be the frontyard variance under consideration.

Craig Minor explained that the minimum frontyard setback requirement on the rear lot would leave approximately 10' to build on.

Attorney Petrella stated that they can live with a 35' frontyard setback line.

Ed Wenners said that the double minimum requirement would be 70' from frontyard lot line and the applicant is asking for 35' setback, which is half the requirement.

Stanley Stachura made a request for a friendly amendment to include in the motion that the variance from Article 11.3.2 is limited to 35' for the frontyard setback, and that the variances are from Sections 11.3.2, 11.3.3, and 11.3.4. These were misstated on the application. Brian Fisk said he accepted this amendment.

Brian Fisk made a motion to approve the friendly amendment 2nd by Stanley Stachura.
All in Favor. Motion Passed

Chairman Tokarz called the approval motion.

Brian Fisk made a motion to approve application #11-01, with the conditions that the variance from Article 11.3.2 is limited to 35' for the frontyard setback, and that the variances are from Sections 11.3.2, 11.3.3, and 11.3.4, 2nd by Stanley Stachura.
All in Favor, Motion Passed

7. **Old Business: None**

8. **New Business: None**

9. **Commissioners Comments:**

a. **By-laws**

Chairman Tokarz said he sees a few areas in the By-laws that may need attention. He

asked that the Board members review them for discussion at the next meeting.

10. Approval of Minutes:

a. August 10, 2010

Thomas Tokarz noted that the meeting date needed correction from August 10, 2010 to August 24, 2010.

Ed Wenners made a motion accept the minutes of August 24, 2010, 2nd by Stanley Stachura.

Vote:

Yes: Thomas Tokarz, Ed Wenners, Stanley Stachura

Abstention: Brian Fisk (not present at minutes meeting).

Motion Passed

b. December 28, 2010

Stanley Stachura made a motion accept the minutes of December 28, 2010, 2nd by Ed Wenners.

Vote:

Yes: Thomas Tokarz, Ed Wenners, Stanley Stachura

Abstention: Brian Fisk (not present at minutes meeting).

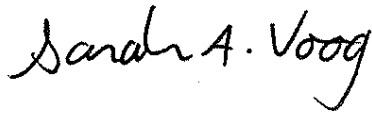
Motion Passed

11. Adjourn:

Brian Fisk made a motion to adjourn the meeting at 8:15 PM, 2nd by Stanley Stachura.

All in Favor. Motion Passed

Respectfully Submitted By,



**Sarah A. Voog
ZBA Commission Clerk**