

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
7:00 PM TUESDAY, APRIL 26, 2011
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES**

1. Call to Order

Vice Chairman Ed Wenners called the meeting to order at 7:01 PM and noted that Chairman Tokarz is attending an important meeting at the Mattabasset District.

2. Roll Call

Present: Vice Chairman Ed Wenners, Kimberley Enowitch, Shaun Sullivan, Alternate Stanley Stachura, Alternate Brian Fisk

Also Present: Town Planner Craig Minor, Commission Clerk Sarah Voog

Absent: Chairman Thomas Tokarz, Samantha Cahill

3. Seating of Alternates

Kimberley Enowitch made a motion to seat Alternate Stanley Stachura and Alternate Brian Fisk, 2nd by Shaun Sullivan.

All in Favor, Motion Passed.

4. Approval of Agenda

Ed Wenners said based on staff recommendation that Application #11-03 should be deleted from the agenda.

Stanley Stachura made a motion to delete Application #11-03 from the agenda, 2nd by Brian Fisk. All in Favor. Motion Passed.

Kimberley Enowitch made a motion to approve the agenda as amended, 2nd by Brian Fisk. All in Favor. Motion Passed.

5. Public Comments

Ed Wenners asked if there were any Public Comments not related to the application and there were none.

6. Public Hearing:

b. Application #11-04: Variance from Article 8.1 (minimum rear yard) to construct an attached garage at 42 Field Road. Joseph A. Tine, owner/applicant.

Stanley Stachura made a motion to open the public hearing for application #11-04, 2nd by Brian Fisk. All in Favor. Motion Passed.

Attorney Sal Petrella, office located at 630 Main Street, representing Joseph Tine of 42 Field Road, presented the application and indicated that the proper signs have been in place for the correct amount of time and certified letters have been sent to the required neighbors. Attorney Petrella said that once the lots on Field Road are developed Mr. Tine's rear yard will become his side yard. He said that it has been confirmed that those lots will be developed and will be up for sale pretty quickly. He explained that

the intention of the construction is to change the focus of the home to face the future street as planned for in phase 2 of the subdivision off Field Road. He explained that the existing garage will be torn down as it is in poor condition and the attached garage built, so the final result will be that his home will become less intrusive to the rear yard setback and also once the future development occurs the home will be conforming to current zoning setbacks. He stated that he received a voicemail from the neighbor located to right front of the property, Harold Johnson, saying that he has no objections to the proposed construction. Attorney Petrella then commented that the orientation of a house can be considered a hardship. Sal Petrella then entered Jim Cassidy's, of Hallisey Pearson and Cassidy, architectural plans in to the record and briefly described the proposed house orientation and road placement. He said that there will be no negative effect on the neighborhood's health, wealth or property values, that in fact he believes it will improve the value of the neighboring homes.

Brian Fisk asked if there will be any living space in the garage and Attorney Petrella said that the project is not designed or intended to include any separate living space.

Michael Millane, of 35 Field Road, explained that he sold Mr. Tine the property. He said he plans to move forward on the **next phase of the overall** subdivision project in the near future. He then stated that he is in favor of the applicant's approval.

Stanley Stachura asked Mr. Millane if the layout for the road was part of P&Z's original approval of the project. Mr. Millane confirmed that it was and Attorney Petrella showed the Board the development's plan.

Ed Wenners asked if there was anyone else that would like to speak in favor of the application, hearing none he asked if there was anyone that would like to speak against the application, hearing none he called for a motion to close the public hearing.

Stanley Stachura made a motion to close the public hearing for Application #11-04, 2nd by Kimberley Enowitch.

All in Favor. Motion Passed.

Brian Fisk made a motion to approve Application #11-04: Variance from Article 8.1 (minimum rear yard) to construct an attached garage at 42 Field Road, Joseph A. Tine, owner/applicant, 2nd by Stanley Stachura.

Ed Wenners asked if there were any comments from the Board. Brian Fisk said the application was pretty straight forward. Ed Wenners commented that once the development occurs the construction would be in compliance with current zoning regulations and Stanley Stachura agreed.

Motion was called.

All in Favor Motion Passed.

Stanley Stachura commented that application #11-04 was approved as a result of the hardship as expressed in the application for 42 Field Road.

7. Old Business: None

8. New Business: None

9. Commissioners Comments:

a. By-laws Revisions

Ed Wenners asked if there is a deadline for the By-laws to be completed and Craig Minor stated that the board decided to do the revisions and therefore there is no deadline.

A brief discussion is held.

Brian Fisk made a motion to table the By-laws discussion until more of the regular members are present, 2nd by Kimberley Enowitch.

All in Favor. Motion Passed.

10. Approval of Minutes:

a. March 22, 2011

Craig Minor reported that Chairman Tokarz had asked him to have Alternate Jeffery Ramia's name deleted from the minutes as "absent" since Mr. Ramia had formally resigned from the Board prior to the meeting.

Brian Fisk made a motion to take the recommendation to delete Jeffery Ramia from the minutes of the March 22, 2011 meeting as absent, 2nd by Stanley Stachura.

All in Favor. Motion Passed.

Brian Fisk made a motion to approve the minutes as amended, 2nd by Kimberley Enowitch.

All in Favor. Motion Passed.

11. Adjourn

Brian Fisk made a motion to adjourn the meeting at 7:24 PM, 2nd by Shaun Sullivan.

All in Favor. Motion Passed

Respectfully Submitted By,

**Sarah A. Voog
ZBA Commission Clerk**