

**TOWN OF CROMWELL**  
**ZONING BOARD OF APPEALS**  
**PUBLIC HEARING AND REGULAR MEETING**  
**7:00 P.M. WEDNESDAY, JULY 28, 2009**  
**ROOM 224**  
**CROMWELL TOWN HALL, 41 WEST STREET**

**Minutes**

Present: Chairman Thomas Tokarz, Christie Carpino, Allan Spotts, Alternate Ed Wenners, and Kim Enowitch.

Absent: Alternate Brian Fisk, and Joanne Massey.

1. **Call to Order:** Chairman Thomas Tokarz called the meeting to order at 7:02 p.m.
2. **Roll Call:** The above members are noted.
3. **Seating of Alternates:** *Allan Spotts made a motion to seat Alternate Ed Wenners, seconded by Christie Carpino. All were in favor. Alternate Ed Wenners was seated.*
4. **Approval of Agenda:** *Christie Carpino made a motion to approve the agenda, seconded by Allan Spotts. All were in favor. Agenda approved.*
5. **Public Comments:** None.
6. **Public Hearing And Possible Decision:**
  - a. Application #09-07: Variance from Article 8.5.b.(Corner Lots) to build a handicapped ramp with less than the minimum setback on the side street at 269 Main Street, Corporate Row Associates, LLC, owner/applicant. Continued from July 1, 2009.

James Cassidy, Engineer with the firm Hallisey, Pearson and Cassidy presented this application and went over the details. The intent is to construct a switch back handicapped ramp to the north side of the building to bring the handicapped visitor to a better entrance. The only problem is that the switch back ramp is wider and will encroach into the minimum setback from South Street.

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There is no traditional hardship and recent changes in the federal law have added an exception to the rule that the hardship must be related to some unique characteristic of the land.

*Allan Spotts made a motion to close the public hearing, seconded by Ed Wenners. All were in favor. Public Hearing closed.*

*Christie Carpino made a motion to approve the variance, seconded by Allan Spotts. All were in favor. Tom Tokarz abstained.*

- b.** Application#09-08: Variance from Article 7.3 (Fences) to erect a tall fence in the front yard of the rear lot at 689 Main Street. Cecilia Acosta, owner/applicant.

Cecilia Acosta presented this application and went over the details of erecting a 6-foot fence. The applicant would like this for privacy and does not see how it would impede with the neighbors.

Christie Carpino asked if anyone had any objections and if the signs and postings were up as required.

The applicant's property is a rear lot, and because of the way the "front yard" of a rear lot is defined she cannot install a fence that is taller than 4'. The intent of the regulation is to prevent visibility problems for motorists however this is not an issue with a rear lot. This is a fairly unusual situation.

Frank Rozwadowski of 678 Main Street spoke in favor of this fence and spoke of some concern of a sign erected on private property.

Tom Fitzpatrick 687 Main Street spoke in favor of this fence and mentioned that they are entitled to feel safe, enjoy their privacy, and have security.

Lisa Fitzpatrick 687 Main Street spoke in favor for this fence. Between the two families they both have children and would like the fence for safety and security purposes.

*Ed Wenners made a motion to close the public hearing, seconded by Allan Spotts. All were in favor. Public Hearing closed.*

*Ed Wenners made a motion to approve, seconded by Allan Spotts. All were in favor except Thomas Tokarz abstained. Motion approved.*

**7. Old Business:** None.

**8. New Business:** None.

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9. **Commissioners Comments:** Kim Enowitch did come to the Special Meeting on July 1, 2009 at 7:00 pm opposed to 6:00 pm. Also there is mention of a new alternate joining the ZBA Commission.

**10. Approval of Minutes:**

- a. May 26, 2009 – *Kim Enowitch made a motion to approve with corrections the May 26, 2009 minutes, seconded by Allan Spotts. All were in favor except Christie Carpino abstained. Minutes Approved.*

*The corrections:*

1. *Pg 2 Item 6a. The vote should read as follows: Alternate Brian Fisk made a motion to approve the variance, seconded by Joanne Massey. Joanne Massey and Brian Fisk voted yes, Allan Spotts and Kim Enowitch voted no. Thomas Tokarz Abstained. Application #09-04 is denied.*
2. *Pg 2 Item 6b. The vote should read as follows: Alternate Edward Wenners made a motion to approve, seconded by Kim Enowitch. Kim Enowitch voted in favor and Alternate Edward Wenners, Joanne Massey, and Allan Spotts were opposed. Motion Failed.*

- b. June 23, 2009 – *Allan Spotts made a motion to approve the June 23, 2009 minutes with corrections to the spellings of the names Christie Carpino not Christine Carpino and Allan Spotts not Al Spotts. All were in favor. Minutes Approved.*

- c. July 1, 2009 – *Allan Spotts made a motion to approve the July 1, 2009 minutes, seconded by Christie Carpino. All were in favor. Minutes Approved.*

11. **Adjourn:** *Christie Carpino made a motion to adjourn at 7:52 p.m., seconded by Allan Spotts. All were in favor. Meeting Adjourned.*

*Respectfully Submitted,*

*Michelle Milardo  
Clerk*