



## Town of Cromwell Zoning Board of Appeals

*Gloria Prendergast, Asst.*  
TOWN CLERK

***PUBLIC HEARING AND MEETING***  
***6:30 P.M. TUESDAY, SEPTEMBER 13, 2016***  
***ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

### Minutes and Record of Votes

**Present:** Vice Chairman Dan Delisle, Brian Fisk, John Keithan and John Whitney

**Also Present:** Director of Planning and Development Stuart Popper

1. **Call to Order** – The meeting was called to order by Vice Chairman Delisle at 6:41 pm.
2. **Roll Call** – The presence of the above members was noted.
3. **Seating of Alternates**

A motion was made by John Keithan and seconded by John Whitney to seat Alternate Brian Fisk. *All were in favor; the motion passed.*

4. **Approval of Agenda**

A **motion** was made by Brian Fisk and **seconded** by John Keithan to approve the agenda. *All were in favor; the motion passed.*

5. **Public Comments** – None.

6. **Public Hearing**

a. Application #16-10: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard and Side Yard Setback Aggregate) to allow for the construction of an addition at 104 Shunpike Road. Stephen A. and Diana L. Palmer are the Applicants and the Owners.

b. Application #16-11: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard and Side Yard Setback Aggregate) to allow for the construction of garage at 5 Greendale Avenue. Joseph S. Damiata is the Applicant and the Owner.

c. Application #16-12: Request for a Variance to permit the expansion of a nonconforming use (retail convenience store) within the Business Industrial Park District Zone at 164 West Street. Mukesh A. Patel is the Applicant and Sunoco LLC is the Owner.

Vice Chairman Dan Delisle told the applicants that they need to have 4 votes in the affirmative to receive the variance. He said that since only 4 out of 5 members are in attendance tonight all 4

members must vote in the affirmative. You have the option to reschedule the hearing to next month if you choose. The applicants said they would be heard tonight.

A **motion** was made by John Keithan and **seconded** by John Whitney to open the public hearings. *All were in favor; the motion passed.*

a. Application #16-10: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard and Side Yard Setback Aggregate) to allow for the construction of an addition at 104 Shunpike Road. Stephen A. and Diana L. Palmer are the Applicants and the Owners.

Mr. Palmer addressed the Board saying the house sits on a non-conforming lot and that is the hardship for the variance. He said he is requesting the variance for the construction of an addition that would infringe on the required side yard and side yard setback aggregate.

Vice Chairman Dan Delisle asked for any members of the public who wanted to speak on this application. There were none.

b. Application #16-11: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard and Side Yard Setback Aggregate) to allow for the construction of garage at 5 Greendale Avenue. Joseph S. Damiata is the Applicant and the Owner.

Mr. Joseph Damiata addressed the Board saying that the hardship is the irregular shape of his lot and original placement of the house. He said this makes it necessary to apply for the variance to the Rear Yard and Side Yard Setback Aggregates.

Vice Chairman Dan Delisle asked for any members of the public who wanted to speak on this application. There were none.

c. Application #16-12: Request for a Variance to permit the expansion of a nonconforming use (retail convenience store) within the Business Industrial Park District Zone at 164 West Street. Mukesh A. Patel is the Applicant and Sunoco LLC is the Owner.

Mr. Bob Schuch, Engineer addressed the Board saying he was here representing the applicant. He explained that the gas station was once in the Business Zone and the town changed the zone to Business Industrial Park Zone and made it non-conforming. He said the owner wants to expand the retail component by renovating the two bays and that creates the need for a variance to expand a non-conforming use. Mr. Schuch described the proposed station improvements to the Board.

Vice Chairman Dan Delisle asked for any members of the public who wanted to speak on this application. There were none.

A **motion** was made by John Keithan and **seconded** by Brian Fisk to close the public hearings for application 16-08. *All were in favor; the motion passed.*

a. Application #16-10: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard and Side Yard Setback Aggregate) to allow for the construction of an addition at 104 Shunpike Road. Stephen A. and Diana L. Palmer are the Applicants and the Owners.

A motion was made by Brian Fisk and seconded by John Keithan to approve Application #16-10. *All were in favor; the motion passed.*

b. Application #16-11: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard and Side Yard Setback Aggregate) to allow for the construction of garage at 5 Greendale Avenue. Joseph S. Damiata is the Applicant and the Owner.

A motion was made by John Keithan and seconded by Brian Fisk to approve Application #16-11. *All were in favor; the motion passed.*

c. Application #16-12: Request for a Variance to permit the expansion of a nonconforming use (retail convenience store) within the Business Industrial Park District Zone at 164 West Street. Mukesh A. Patel is the Applicant and Sunoco LLC is the Owner.

A motion was made by John Keithan and seconded by Brian Fisk to approve Application #16-12. *All were in favor; the motion passed.*

Vice Chairman Dan Delisle explained that after the legal notice is published there is a fifteen 15 day appeal period. He said after the appeal period is over the applicant will receive the variance form to file on the land records. Chairman Moring said if the applicants have any questions they should contact Mr. Popper.

**7. Commissioners Comments:**

**8. Approval of Minutes:**

**a. June 14, 2016**

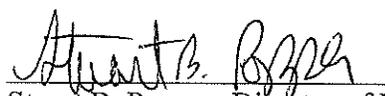
**b. July 12, 2016**

A motion was made by John Keithan and seconded by Dan Delisle to table approval of the minutes. *All were in favor; the motion passed.*

**9. Adjourn**

A **motion** was made by John Keithan and **seconded** by John Whitney to adjourn at 7:10 pm. *All were in favor; the motion passed.*

Respectfully Submitted

A handwritten signature in cursive script, reading "Stuart B. Popper". The signature is written in dark ink and is positioned above a horizontal line.

Stuart B. Popper, Director of Planning and Development  
Acting Clerk