



Town of Cromwell Zoning Board of Appeals

***REGULAR PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY MAY 11, 2021
ROOM 224/225 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:**

RECEIVED FOR RECORD
May 06, 2021 02:23P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

- a. Application #21-10: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front Yard Setback) to allow for the construction of addition on the side of the house at 45 Lincoln Road. Sean Flanigan is the Applicant and the Owner.
 - b. Application #21-09: Request for a Special Permit under Section 7.1.A.2 of the Zoning Regulations to allow for the expansion of a non-conforming structure and use (construct a garage addition) at 574 Main Street. Rajeshri Patel is the Applicant and Shraya31 LLC is the Owner.
7. **Approval of Minutes:**
 - a. April 13, 2021
 8. **Adjourn**

LEGAL NOTICE
PUBLIC HEARING
TOWN OF CROMWELL ZONING BOARD OF APPEALS

The Cromwell Zoning Board of Appeals will hold a Public Hearing and Meeting at 6:30 pm on Tuesday May 11, 2021 in the Council Chambers at the Cromwell Town Hall at 41 West Street on the following items:

1. Application #21-10: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front Yard Setback) to allow for the construction of addition on the side of the house at 45 Lincoln Road. Sean Flanigan is the Applicant and the Owner.
2. Application #21-09: Request for a Special Permit under Section 7.1.A.2 of the Zoning Regulations to allow for the expansion of a non-conforming structure and use (construct a garage addition) in the Residence 15 Zone District at 574 Main Street. Rajeshri Patel is the Applicant and Shraya31 LLC is the Owner.

At this hearing interested parties may appear and be heard and written testimony received. The application is on file in the Planning and Development Department office at 41 West Street, Cromwell, Connecticut.

Joseph Morin
Chairman

Dated in Cromwell, Connecticut this 26th day of April 2021.

Applic # 21-10

rev. 6/20/2011

check 432
\$160

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS**

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

Address: 45 Lincoln Rd	PIN #: 00354500
Zoning District: R15	Volume/Page: 1549-207
Applicant: Sean Flanigan	Property Owner: Sean Flanigan
Home or Business Address: 45 Lincoln Rd	Home or Business Address: SAME
Phone #: 860 707 7408	Phone: SAME
Email: SLF8179@yahoo.com	
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. Signature: [Signature]	I hereby consent to the Applicant acting as my agent for the purpose of this application. Signature:
Type of Application (check one): <input checked="" type="checkbox"/> Variance from Section 2.2 B, 7.1 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: Variance from the R-15 front yard setback of 35' to 25' for proposed porch and garage/studio addition.	

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).

When the property was built in 1938, it
was before zoning regulations were in place
and didn't leave room for future
expansions.

1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.

Sean Figan

applicant

3/12/21

date

21-09

rev. 6/20/2011

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS**

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

Address: 574 MAIN STREET	PIN #: 00067900
Zoning District: R-15	Volume/Page: 1624-301
Applicant: RAJESHRI PATEL	Property Owner: RAJESHRI PATEL
Home or Business Address: 212 Country Club Road Middletown, CT 06457	Home or Business Address:
Phone #: 860-301-8138	Phone:
Email: rajupatel0616@gmail.com	
<p><i>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.</i></p> <p>Signature: _____</p>	<p><i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i></p> <p>Signature: _____</p>
<p>Type of Application (check one):</p> <p><input checked="" type="checkbox"/> Variance from Section <u>7.1.A.3</u> of the Zoning Regulations.</p> <p><input type="checkbox"/> Appeal from ZEO Decision dated _____.</p> <p><input type="checkbox"/> Change of Non-Conforming Use Special Permit.</p> <p><input type="checkbox"/> Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)</p>	
<p>Description of Request:</p> <p><u>Increase an existing Non Conforming structure and</u> used</p> <p><u>built in 1946 with a proposed 096 s.f. garage</u></p> <p><u>addition.</u></p> <p>_____</p> <p>_____</p> <p>_____</p>	

21-09

rev. 6/20/2011

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).

Non Conforming Structure and used to
continue existing Business For storage

1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.

Rajeshwari Patel
applicant

3/26/21
date

**Town of Cromwell
Zoning Board of Appeals**

**REGULAR PUBLIC HEARING AND MEETING
6:30 PM TUESDAY, APRIL 13, 2021
ROOM 224/225
CROMWELL TOWN HALL, 41 WEST STREET**

Present: Vice Chairman Daniel Delisle, John Whitney, John Keithan, Mark Zampino, Brian Fisk (alternate), Steve Wygonowski (alternate), and Chairman Joseph Morin (via phone)

Absent: None

Also Present: Director of Planning and Development Stuart Popper, Compliance Officer Bruce Driska, Public

1. Call to Order:

The meeting was called to order by Chairman Joseph Morin at 6:30 PM.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

Alternates Brian Fisk and Steve Wygonowski were present but not seated.

4. Approval of Agenda:

John Whitney made a motion to approve the agenda; seconded by Dan Delisle. *All in favor; motion carried.*

5. Public Comments:

None

6. Public Hearing:

Vice Chairman Daniel Delisle read the Legal Notice into the record.

Motion to open Public Hearing for Application #21-09 was made by John Keithan; seconded by John Whitney. *All in favor; motion carried.*

- a. Application #21-09: Request for a Special Permit under Section 7.1.A.2 of the Zoning Regulations to allow for the expansion of a non-conforming structure and use (construct a garage addition) at 574 Main Street. Rajeshri Patel is the Applicant and Shraya31 LLC is the Owner.

Ms. Rajeshri Patel, the applicant addressed the Board. Ms. Patel explained to the Commission that she would like to demolish the existing garage and replace it with a 696 square foot new garage. She presented two different site plans and the Board members had questions regarding the plans since one plan showed the new structure in addition to the existing structure and one plan showed only the new structure. The Board members

were confused as to what was really proposed. Ms. Patel was joined by her contractor, Mr. Robert Kozynik of Rocky Hill. Mr. Kozynik attempted to explain what was being proposed, but still many questions remained.

Mr. Driska noted that the map submitted by the applicant showed the existing garage to remain and a 15' x 24' (360 square foot) new garage to be built next to the old garage. He said the map submitted by the surveyor showed the old garage to be demolished and a new 29' x 24' (696 square foot) garage to be built. The Board members reminded Ms. Patel that the new structure could only be used for residential storage for herself and her tenant, and not for the existing liquor store business storage.

The staff noted that there could be no access to the new structure from the liquors store. The staff, Board members and the applicant discussed the two maps. Ms. Patel stated that she would like to keep the existing structure for business use and build the 15' x 24' garage addition for residential use and it would be seven feet back from the existing structure.

John Keithan asked the contractor to explain how this would look. Mr. Kozynik explained that the new structure and existing structure would be sided so that everything looked the same. The Applicant also stated that there will be no change to existing parking. Bruce Driska mentioned that if the new garage was set back seven feet it would meet the 35-foot front yard setback requirement.

Mr. Popper said there was a legal notice sign posted at the site, the legal notice was published, and the abutting within 100' were notified by certified mail. Mr. Popper read a letter into the record from a resident expressing opposition to the application unless it is only used for non-business purposes.

Motion to close Public Hearing for Application #21-09 was made by John Whitney; seconded by John Keithan. *All in favor; motion carried.*

John Whitney made a motion to approve Application #21-09 with the following stipulations:

- New garage is for residential use only.
- No access through business to new garage, exterior access only.
- Revised survey must be submitted showing a 360 square foot garage adjacent to existing garage.

Brian Fisk made it clear that the new structure must meet the setback requirement of 35 feet. Mark Zampino added that Mr. Driska should make periodic unannounced visits to the establishment to ensure that the new structure is only for residential use.

Motion to approve Application #21-09 was made by John Whitney; seconded by John Keithan. Dan Delisle, John Whitney, and John Keithan voted yes. Joseph Morin voted no; Mark Zampino abstained. *Motion failed to carry.*

Motion to table Application #21-09 to May 11, 2021 was made by John Keithan; seconded by Dan Delisle. *All in favor; motion carried.*

7. Approval of Minutes:

- a. March 9, 2021

John Whitney made a motion to approve the minutes from March 9, 2021; seconded by Dan Delisle. *All in favor; motion carried.* (John Keithan and Mark Zampino abstained.)

8. Adjourn:

John Whitney made a motion to adjourn the meeting at 7:14 PM. *All in favor; motion carried.*

Respectfully Submitted:

Michelle L. Armetta
Recording Clerk

UNIVERSITY OF MASSACHUSETTS LAND SURVEYING DEPARTMENT

This survey conforms to a "Class A-2" Survey.

REFERENCE MAPS:

A.J. ASSESSOR'S PARCEL 41-1.

B.J. "REVERSE PROPERTY LINE PREPARED FOR MARYANN PAGANO 45 & 49 LINCOLN STREET CROMWELL, CONN. SCALE: 1"=20' DATE: NOV. 30, 2004 REV. DEC. 10, 2004 PREPARED BY: DEMASTRO SURVEY, EMILIO J. DEMASTRO, L.S."

MAP #43-011, CROMWELL LAND RECORDS.

C.J. "PROPOSED SUBDIVISION OF PROPERTY OF THE ESTATE OF ELIZABETH PAGANO 45 LINCOLN ROAD CROMWELL, CONNECTICUT SCALE: 1"=40' DATE: JUNE 08, 1992 REVISED THROUGH DEC. 10, 1993 SHEET 1 OF 3 BY HALLISSEY & HERBERT, CIVIL ENGINEERS AND LAND SURVEYORS."

MAP #40-048, CROMWELL LAND RECORDS.

D.J. "MAP SHOWING PLOTS A AND B THE PROPERTY OF JANE KOPPEL CROMWELL, CONN. SCALE: 1"=40' DATE: AUG. 1978 BY R.H. KIMMONT."

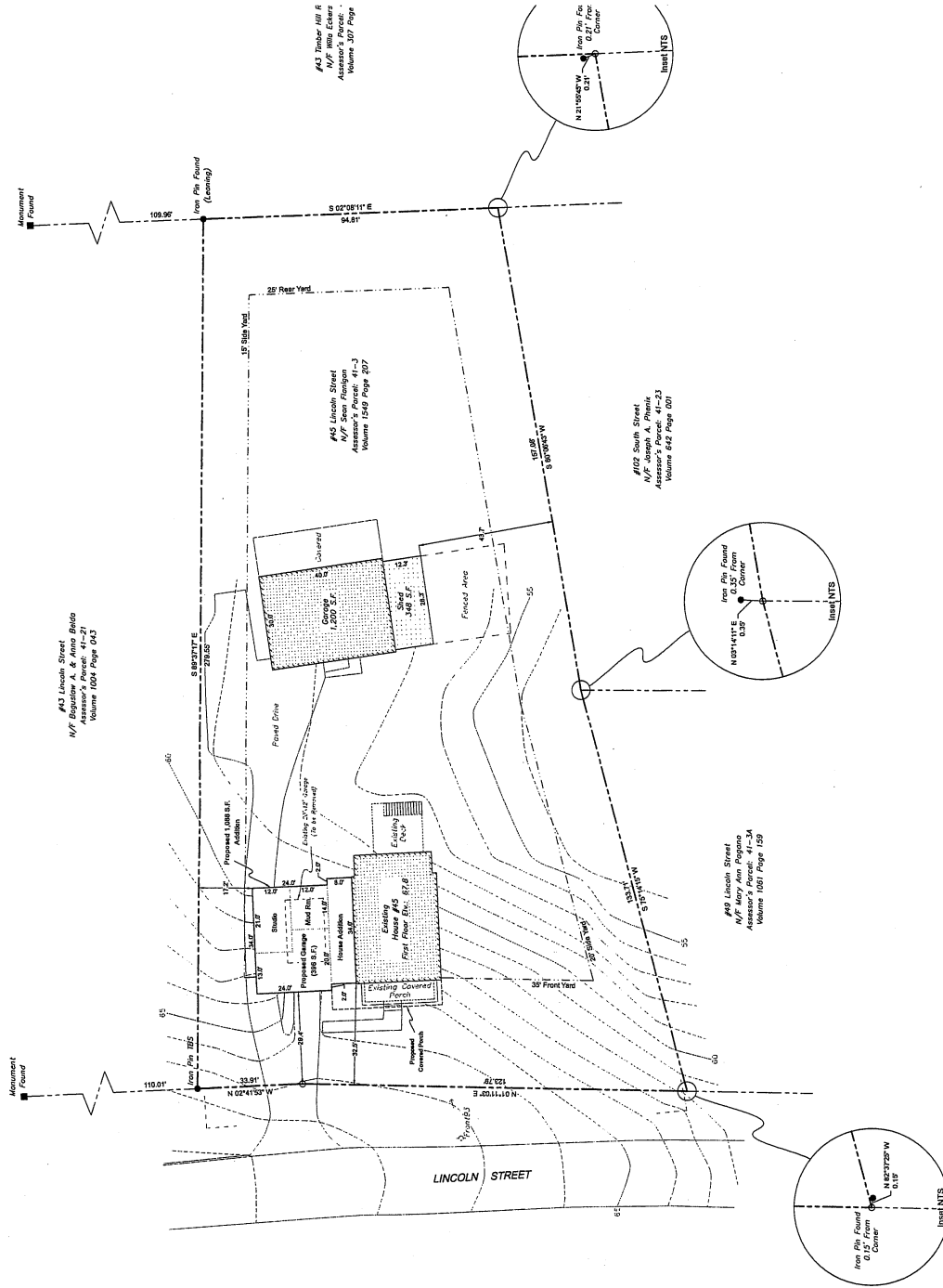
MAP #40-028, CROMWELL LAND RECORDS.

GENERAL NOTES:

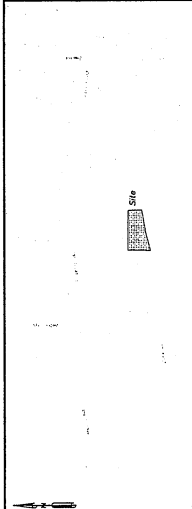
- 1.) ZONE: R-15, RESIDENTIAL.
- 2.) BEARINGS ARE BASED ON REFERENCE MAP "B".
- 3.) ELEVATIONS ARE BASED ON NAVD83 DATUM.
- 4.) TOTAL LOT AREA = 0.7835 ACRES OR 34,563 S.F.
- 5.) IRON PIN SET / INS (70 BE SET) INDICATES 5/8" REBAR.

RECORD OWNER:

SEAN FLAMMIGN
VOLUME 1545 PAGE 207
CROMWELL LAND RECORDS



SITE LOCATION MAP
Not to Scale



Zoning Compliance	
Iron	35' Min.
Front Yard	

Boundary determination is based on a dependent resurvey.

This survey conforms to a "Class A-2" Survey.

Topographic accuracy conforms to a "Class T-2" Survey.

REFERENCE MAPS:

- A.) ASSESSORS PARCEL: 46-14.
- B.) "SUBDIVISION PLAN PROPERTY OF ANDREW & RUTH ZAPAL CROMWELL CONN. DATE: MAY 1953 SCALE: 1"=50' BY THOMAS H. SELLEK, JR."
- C.) "PROPERTY OF FREDERICK W. SUGOSKY CROMWELL CONN. SCALE: 1"=20' DATE: OCTOBER 1931."
- D.) "CONNECTICUT STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP TOWN OF CROMWELL MIDDLESEX TOWNSHIP FROM THE FREESTONE REALTY CO. SOUTHERLY TO THE MILLANE MURPHY ROUTE NO. 10. SCALE: 1"=40' NUMBER 41 SHEETS 1 & 2 OF 2 DATE: JUNE 30, 1927 REVISED SEPTEMBER 6, 1967."

GENERAL NOTES:

- 1.) ZONE: R-15.
- 2.) BEARINGS ARE BASED ON CONNECTICUT STATE GRID NAD83 DATUM.
- 3.) ELEVATIONS ARE BASED ON NAD83 DATUM.
- 4.) TOTAL LOT AREA = 0.628 ACRES OR 16,322 S.F.

RECORD OWNER:

SHRAYAH, LLC
C/O MANSORI PATEL
1000 MAIN STREET
CROMWELL LAND RECORDS

Item	Requirement	Existing	Proposed
Lot Area	15,000 S.F. Min.	16,322 S.F.	No Change
Front Yard	35' / 22.75' Min.	28.1' / 45.8'	No Change
Side Yard	15' Min.	3.9' / 75.1'	No Change
Aggregated Side Yard	35' Min.	78.9'	No Change
Building Coverage	15% Max.	N/A (Corner Lot)	No Change
Corner Lining (Corner Lots)	2.71'-3' (Corner Lots)	12.24'	15%

SITE LOCATION MAP

Not to Scale

