



# Town of Cromwell Zoning Board of Appeals

*REGULAR PUBLIC HEARING AND MEETING  
6:30 P.M. TUESDAY AUGUST 14, 2018  
ROOM 224/225 CROMWELL  
TOWN HALL, 41 WEST STREET*

## AGENDA

RECEIVED FOR RECORD  
AUG 07, 2018 11:32A  
JOAN AHLQUIST  
TOWN CLERK  
CROMWELL, CT *JA*

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. New Business:
7. Public Hearings:
  - a. Application #18-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Setback) to allow for the construction of an attached deck that encroaches into the rear yard setback at 6 Smith Farm Road. Cynthia L. Raynis is the Applicant and the Owner.
8. Approval of Minutes:
  - a. July 10, 2018
9. 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 August 14, 2018 in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #18-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Setback) to allow for the construction of an attached deck that encroaches into the rear yard setback at 6 Smith Farm Road. Cynthia L. Raynis is the Applicant and the Owner.

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

Joseph Morin  
Chairman

Dated in Cromwell, Connecticut this 30<sup>th</sup> day of July 2018

# **Memo**

**To:** Zoning Board of Appeals  
**From:** Stuart B. Popper, AICP  
Director of Planning and Development  
**Date:** August 6, 2018  
**Re:** Comments on the August 14, 2018 Meeting Agenda

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## **7. Public Hearing:**

a. Application #18-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Setback) to allow for the construction of an attached deck that encroaches into the rear yard setback at 6 Smith Farm Road. Cynthia L. Raynis is the Applicant and the Owner: Connecticut Department of Transportation is the Applicant and Kimberly E. Chusmir is the Owner. *The existing .57 acre lot is located in the R-25 Zone District on the west side of Smith Farm Road. The site contains an existing 3,532 square foot single family house. Attached is a map of the property showing the location of the house and the proposed deck to be constructed in the rear of the house. The proposed deck will extent 16 feet into the 57 foot setback reducing the required 50 foot rear yard setback to 41 feet.*

18-13

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: 6 Smith Farm Road	PIN #:
Zoning District: R-25	Volume/Page:
Applicant: Cynthia Raynis	Property Owner: Cynthia Raynis
Home or Business Address: 6 Smith Farm Rd Cromwell, CT 06416	Home or Business Address: 6 Smith Farm Rd Cromwell, CT 06416
Phone #: 860-635-0019	Phone: 860-635-0019
Email: Cindyraynis@gmail.com	
<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>	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i>
Signature: Cynthia L. Raynis	Signature: Cynthia L. Raynis
<u>Type of Application (check one):</u> <input checked="" type="checkbox"/> Variance from Section <u>2.2.B</u> 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)	
<u>Description of Request:</u> Request variance from rear yard minimum in order to construct an attached deck that encroaches into the required rear yard minimum.	

**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).

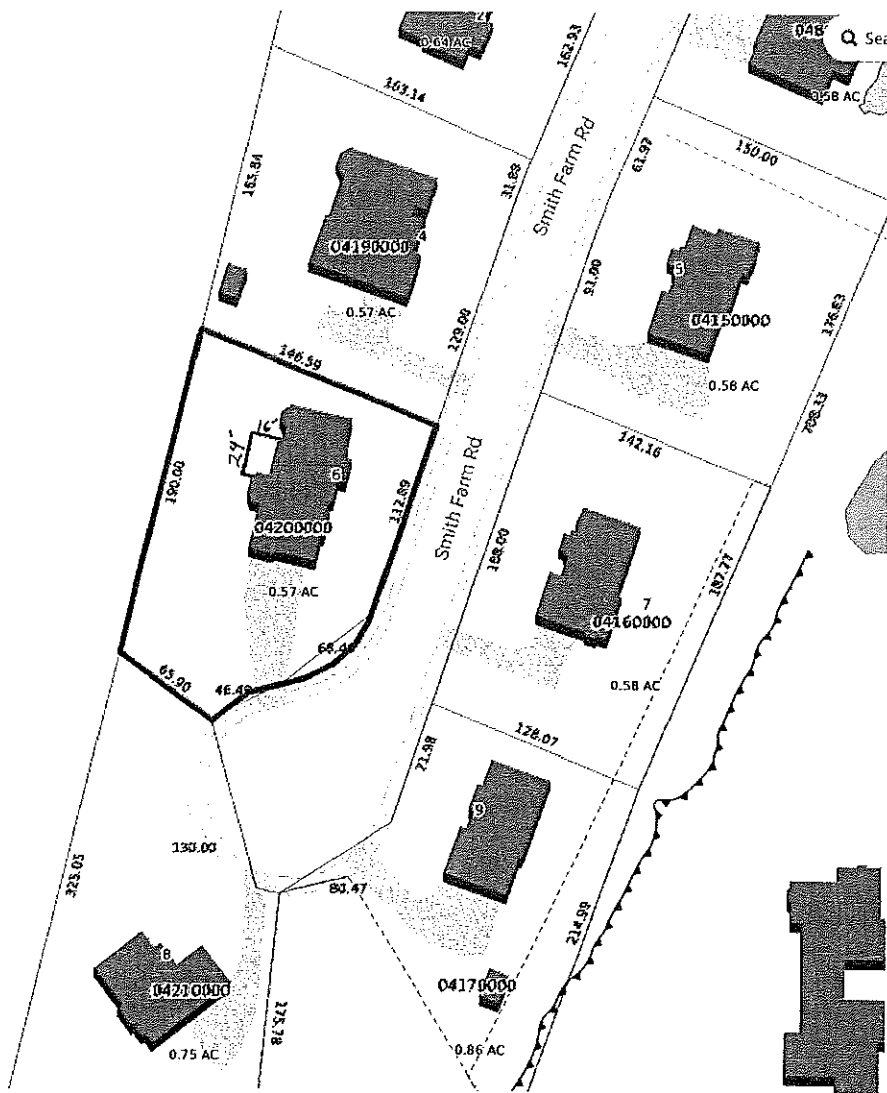
Due to the minimum rear yard requirements there is not a significant amount of space to build a deck that will allow for it to be utilized as intended. In order to be able to place outdoor patio and furniture I would like for the deck to be 16 feet vs the 8ft that maintains the rear yard minimums.

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.

Cynthia L Raynis  
applicant

7/20/18  
date

6 Smith Farm Road  
Cynthia Raynis, Applicant



Proposed deck to be built will measure approximately 24 feet x 16 feet.



**Patriot Properties Inc.**

Use Code	Land Value	PA 490 Value	Building Value	Outbuildings	Total Value	Total Assessed
101	133,300	0	326,000	0	459,300	321,510
TOTAL	133,300	0	326,000	0	459,300	321,510

**Previous Value Information**

Tax Yr	Land Value	Bldg Value	Outbuildings	Total Value	Total Assessment
2018	133,300	326,000	0	459,300	321,510
2017	133,300	326,000	0	459,300	321,510
2016	139,010	347,000	0	486,010	340,210
2015	139,010	347,000	0	486,010	340,210
2014	139,010	347,000	0	486,010	340,210
2013	139,010	347,000	0	486,010	340,210

**Previous Owner(s)**  
RAYNIS ALLAN V JR  
CYNTHIA L

**General Notes**  
IA

**Sales Information**

Grantee	Vol-Page	Type	SaleDate	SalePrice	Sale Verif	GeneralNotes
RAYNIS CYNTHIA L	1185-271		12/01/2006	0	No Consideration	
RAYNIS ALLAN V JR	1053-19		10/25/2004	145,860		

**Activity Information**

Date	Results	Visited By	Permit #	Description	Amount	% Comp	Visit Date	CO Date	GeneralNotes
09/30/2017	No Change - Field Review	Dave Starnand	15595	Air Condition	0	100	09/22/2005		continuation installation
05/17/2017	Change - Field Review	John Hocking	15236	Plumbing	0	100	05/03/2005		plumbing for new house in
02/23/2017	Data Miller Change	John Hocking	15141	Electric	0	100	03/22/2005		400 amp service
08/22/2012	No Change - Field Review		14960	New Construction	0	100	06/01/2006	10/20/2005	4 BR's, 2.2 Bits
12/02/2006	Interior Inspect								
08/28/2006	Measured								
06/01/2008	Permit - Int Inspect								
06/01/2008	Permit - Miscellaneous								
04/10/2006	Permit - Left Card- Door								
09/26/2005	Permit - Int & Ext Inspect								

**Building Permit Information**

**Land Data**

Use	Description	Units	Type	Neigh	Unit	Special	Appraised Value	PA 490	Neigh	Notes
101	Single Family	24,829	SF	R7		Land Calc	133,300	0	1100	
							Total Appraised:	133,300	Assessed Value: 93,310	





**TOWN OF CROMWELL  
ZONING BOARD OF APPEALS  
REGULAR PUBLIC HEARING AND MEETING  
6:30 PM TUESDAY JULY 10, 2018  
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Vice Chairman Daniel Delisle, John Whitney, Mark Zampino, John Keithan, Steven Wygonowski (alternate)

**Absent:** Chairman Joseph Morin, Brian Fisk (alternate)

**Also Present:** Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Bruce Driska, Town Engineer Jon Harriman

**1. Call To Order**

The meeting was called to order by Vice Chairman Delisle at 6:31 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

John Keithan made a motion to seat Steven Wygonowski; Seconded by Mark Zampino.  
*All in favor; motion passed.*

**4. Approval of Agenda**

Mark Zampino made a motion to approve the agenda, Seconded by John Keithan. *All in favor; motion passed.*

**5. Public Comments:** None

**6. New Business:** None

**7. Public Hearing:**

- a. Application #18-10: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Lot Area) to allow for the reconstruction of Coles Road at 1 Ryan Court. The Connecticut Department of Transportation is the Applicant and Kimberly E Chusmir is the Owner.

Mark Zampino read the legal notice.

John Whitney made a motion to open the public hearing, Seconded by John Keithan. *All in favor; motion passed.*

Jason Boice, Connecticut Department of Transportation, 2800 Berlin Turnpike, Newington, Connecticut, presented the application. He said that they were seeking a variance to reconstruct Coles Road, which was a town project. The project consisted of pavement rehabilitation, roadway widening, sidewalk installation, sightline improvement and the relocation of utilities along Coles Road from Shunpike Road to the Route 9 overpass. Two properties would be affected. This application was for a variance for 1 Ryan Court. This was in the R25 zone and the minimum lot size was 25,000 square feet. The current lot size was 25,700 square feet and would become non-conforming at 24,732 square feet.

Steven Wygonowski asked if alternatives were considered and Mr. Boice said that they tried different alignments, but this configuration was necessary as being best for the utility location and for improving sightlines.

The application was opened to public comment.

Jon Harriman, Town Engineer, provided background information. He said that this was the third phase of a long term transportation plan and that sections by Webster Bank and the Coles Road Firehouse had already been completed. The roadway was 19 feet at its narrowest and would be increased to 30 feet; two 11-foot travel lanes, 4-foot shoulders and sidewalks. A section of the street profile would be raised by 1 foot to improve the sightline.

Robert O'Connor, 81 Willowbrook Road, asked if sidewalks were mandatory. Mr. Harriman said yes as this was a grant that included improved pedestrian facilities. He said the four-foot shoulder was for bicycles.

Mark Zampino asked about the length of the sidewalks and Mr. Harriman said they could possibly go as far as from Shunpike Road to Twin Oaks, depending on the budget. He said that the drainage improvements would address the ice issues on Coles Road, specifically through the use of underdrains.

David Kahn, 7 Ryan Court, asked if school buses would be accommodated. Mr. Harriman said that no road closures or detours were planned and that the Board of Education would be notified of the construction schedule.

John Keithan made a motion to close the public hearing; Seconded by Mark Zampino. *All in favor; motion passed.*

Mark Zampino made a motion to approve Application #18-10: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Lot Area); Seconded by John Whitney. John Keithan said that it was a straightforward application and the variance was needed for a good project. *All in favor; motion passed.*

- b. Application #18-11: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Lot Area) to allow for the reconstruction of Coles Road at 2 Ryan Court. The Connecticut Department of Transportation is the Applicant and Robert V. Cieri and Mary G. Cieri are the Owners.

John Keithan read the legal notice.

Mark Zampino made a motion to open the public hearing, Seconded by John Whitney. *All in favor; motion passed.*

Jason Boice, Connecticut Department of Transportation, said that this was a similar application, this time affecting 2 Ryan Court. This is a legally non-conforming lot of 24,829 square feet in a R25 zone, and would be 24,597 square feet if approved. He said they were seeking a variance for the same reasons previously discussed tonight.

There were no public comments.

John Keithan made a motion to close the public hearing, Seconded by John Whitney. *All in favor; motion passed.*

John Keithan made a motion to approve Application #18-11: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Lot Area); Seconded by Mark Zampino. *All in favor; motion passed.*

- c. Application #18-12: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front Yard Setback) to allow for the construction of an addition in the side of the house at 58 Field Road. Fleming Homes, LLC is the Applicant and Christopher Watson is the Owner.

John Keithan read the legal notice.

Mark Zampino made a motion to open the public hearing, Seconded by John Whitney. *All in favor; motion passed.*

Brent Fleming, Fleming Homes, LLC, 57 Christian Street, Wallingford, presented the application. He said that the required front yard setback is 40 feet and they were requesting to reduce it to 13 feet in order to add an addition sixteen feet in length to the home. The setback was originally 25 feet when the house was built. He said that the location of the septic was the reason they were requesting the variance.

Mr. Popper corrected the applicant to say that, on a corner lot, the front setback is reduced from 40 feet to 26 feet. In this case, they were requesting a variance to reduce it to 13 feet. He asked why they couldn't go further into the backyard. The applicant said that the septic is 15 feet off the back of the house and there is no room with the tank located there and the leaching field going through the backyard. Mr. Popper said that the

location of the septic system is the hardship. Mr. Popper asked if the applicant had located a survey and he indicated that he had. Mr. Popper said that he would need the survey when he goes to obtain his building permit, as they need accurate locations. He said that the addition cannot impact the town's right of way.

Mark Zampino asked about the location of the applicant's pool and was told that it was not located over the septic system.

The application was opened to public comment.

Gary Pember, 1 Greendale Avenue, said he was the abutting property owner to the back. He said he supported the application. He said that the applicant had considered moving out of town, but was now staying. He said they are a great family.

John Whitney made a motion to close the public hearing; Seconded by John Keithan. *All in favor; motion passed.*

John Whitney made a motion to approve Application #18-12: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front Yard Setback); Seconded by John Keithan. *All in favor; motion passed.*

Mr. Popper advised all of the applicants to wait until the fifteen day appeal period had passed, which begins next Tuesday with the notice being published in the paper. He said that anyone wishing to proceed prior to the expiration of the appeal period would need to agree to hold the Town harmless.

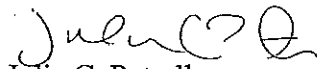
John Whitney made a motion to close the public hearing; Seconded by Mark Zampino. *All in favor; motion passed.*

**8. Approval of Minutes:**

- a. June 12, 2018: Mark Zampino made a motion to approve the minutes as presented; Seconded by John Whitney. *Mark Zampino, Daniel Delisle, and John Whitney in favor; motion passed.* Steven Wygonowski and John Keithan abstained.

**9. Adjourn:** Motion to adjourn at 6:55 p.m. by Mark Zampino, Seconded by John Keithan. *All in favor; motion passed.*

Respectfully Submitted,

  
Julie C. Petrella  
Recording Clerk