

## Town of Cromwell Zoning Board of Appeals

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

RECEIVED FOR FILING  
*12-5 2016 at 3:00 M.*  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

### AGENDA

*Jean Ahlquist*  
TOWN CLERK

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
  
6. New Business:
  - a. Approval of 2017 Zoning Board of Appeals Meeting Calendar
  
7. Public Hearing:
  - a. Application #16-13: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front Yard and Side Yard Setbacks) to allow for the construction of a shed in the front and side yards at 34 Geer Street. Joseph P. Fazekas and Joseph P. Fazekas and Randi G. Fazekas are the Owners.
  
  - b. Application #16-14: Request for Variances from Section 7.5.A Permitted Zones and Section 7.5.B Location Requirements and Limitations of the Zoning Regulations. The request is to allow for the sale of alcoholic beverages in the Industrial Zone and within 1,500 feet of other premises serving alcoholic beverages at 14 Alcap Ridge. ATI New England is the Applicant and Fourteen Alcap LLC is the Owner.
  
8. Approval of Minutes:
  - a. September 13, 2016
  
9. Adjourn

# Memo

To: Zoning Board of Appeals  
From: Stuart B. Popper  
Date: November 7, 2017  
Re: ZBA Meeting Dates for 2017

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Hi Everyone-

Listed below are your ZBA meeting dates for 2017. Please look them over as you will have to vote on them at your meeting on December 13, 2017.

January 10, 2017 - *Special Meeting*

February 14, 2017

March 14, 2017

April 11, 2017

May 9, 2017

June 13, 2017

July 11, 2017

August 8, 2017

September 12, 2017

October 10, 2017

November 14, 2017

December 13, 2017

The December meeting will be held on Wednesday, December 13<sup>th</sup> instead of December 12<sup>th</sup> due to December 12<sup>th</sup> being a religious holiday.

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 December 13, 2016 in the Arch Room of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #16-13: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (for Front Yard and Side Yard Setbacks) to allow for the construction of a shed in the front and side yards at 34 Geer Street. Joseph P. Fazekas is the Applicant and Joseph P. Fazekas and Randi G. Fazekas are the Owners.
2. Application #16-14: Request for Variances from Section 7.5.A Permitted Zones and Distance Requirements and Section 7.5.B Location Requirements and Limitations of the Zoning Regulations. This is to allow for the sale of alcoholic beverages in the Industrial Zone and within 1,500 feet of another premise serving alcoholic beverages at 14 Alcap Ridge. ATI New England is the Applicant and Fourteen Alcap 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 office of the Town Planner at 41 West Street, Cromwell, Connecticut.

Joseph Morin  
Chairman

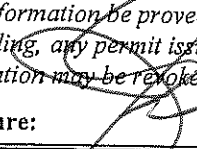

Dated in Cromwell, Connecticut this 28<sup>th</sup> day of November 2016

16-13

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: 34 GEEER ST.	PIN #: 00 23 8000
Zoning District: A-25	Volume/Page: C 1065/286
Applicant: Joseph P. FAZEKAS	Property Owner: JOSEPH RANAI FAZEKAS
Home or Business Address: 34 GEEER ST	Home or Business Address:
Phone #: 860-250-2488	Phone: 860-690-5453
Email: JFAZ1034@AOL.COM	RANAI61365@gmail.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: 	I hereby consent to the Applicant acting as my agent for the purpose of this application. Signature: 
<b>Type of Application (check one):</b> <input checked="" type="checkbox"/> Variance from Section <u>2.7A+2.2B</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)	
<b>Description of Request:</b> TO ALLOW A 8'x12' SHED NEXT TO DRIVEWAY IN FRONT OF 34 GEEER ST. LIKE MANY OTHER PROPERTIES IN TOWN. ALSO TO BE WITHIN 5' OF SIDE YARD ADA REASONABLE ACCOMODATION SECTION 504	

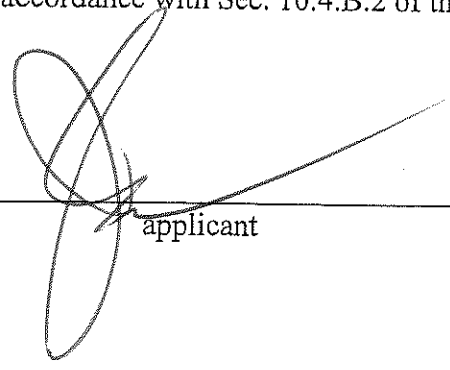
**Justification for Request:**

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).

Section 504 ADA - Reasonable

Accommodation - my wife is disabled and we need to store snow removal and other equipment at drive way level so she can utilize the garage. Also, for summer seasonal equipment and pool chemicals there are no stairs and the driveway is level unlike the sloped back yard.

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.

  
\_\_\_\_\_  
applicant

11/16/16  
\_\_\_\_\_  
date



Property Information

**Property ID** 00112200  
**Location** 9 CAPT JAMES MANN MEM DR  
**Owner** CROMWELL TOWN OF



MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

Town of Cromwell, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.



Parcels updated 06/2016  
 Properties updated daily

App. #  
16-14

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: 14 ALLCAP RIDGE	PIN #: C0325208
Zoning District:	Volume/Page: 1463-219
Applicant: ATI NEW ENGLAND	Property Owner: RALPH COPPOLA
Home or Business Address: ATI NEW ENGLAND 14 ALLCAP RIDGE CROMWELL, CT 06416	Home or Business Address: 14 ALLCAP RIDGE CROMWELL, CT 06416
Phone #: 860 876 3457	Phone: 203 980 6014
Email: rick@atinewengland.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: 	I hereby consent to the Applicant acting as my agent for the purpose of this application. Signature: 
<u>Type of Application (check one):</u> 7.5.A1 and <input checked="" type="checkbox"/> Variance from Section 7.5-B1 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> 7.5.A PERMITTED ZONES AND DISTANCE REQUIREMENTS REQUEST TO HAVE PREMISES IN THE INDUSTRIAL ZONE 7.5.B LOCATION REQUIREMENTS AND LIMITATIONS REQUEST TO HAVE PREMISES WITHIN 1500 FEET OF ANOTHER PREMISES	

**Justification for Request:**

If Applying for a variance, state the hardship and explain why the variance is required.

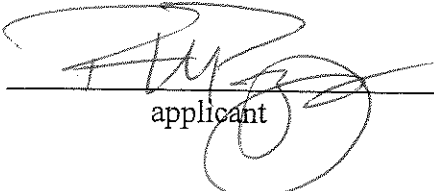
If Appealing a decision of the ZEO, explain why you feel the ZEO is wrong.

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).

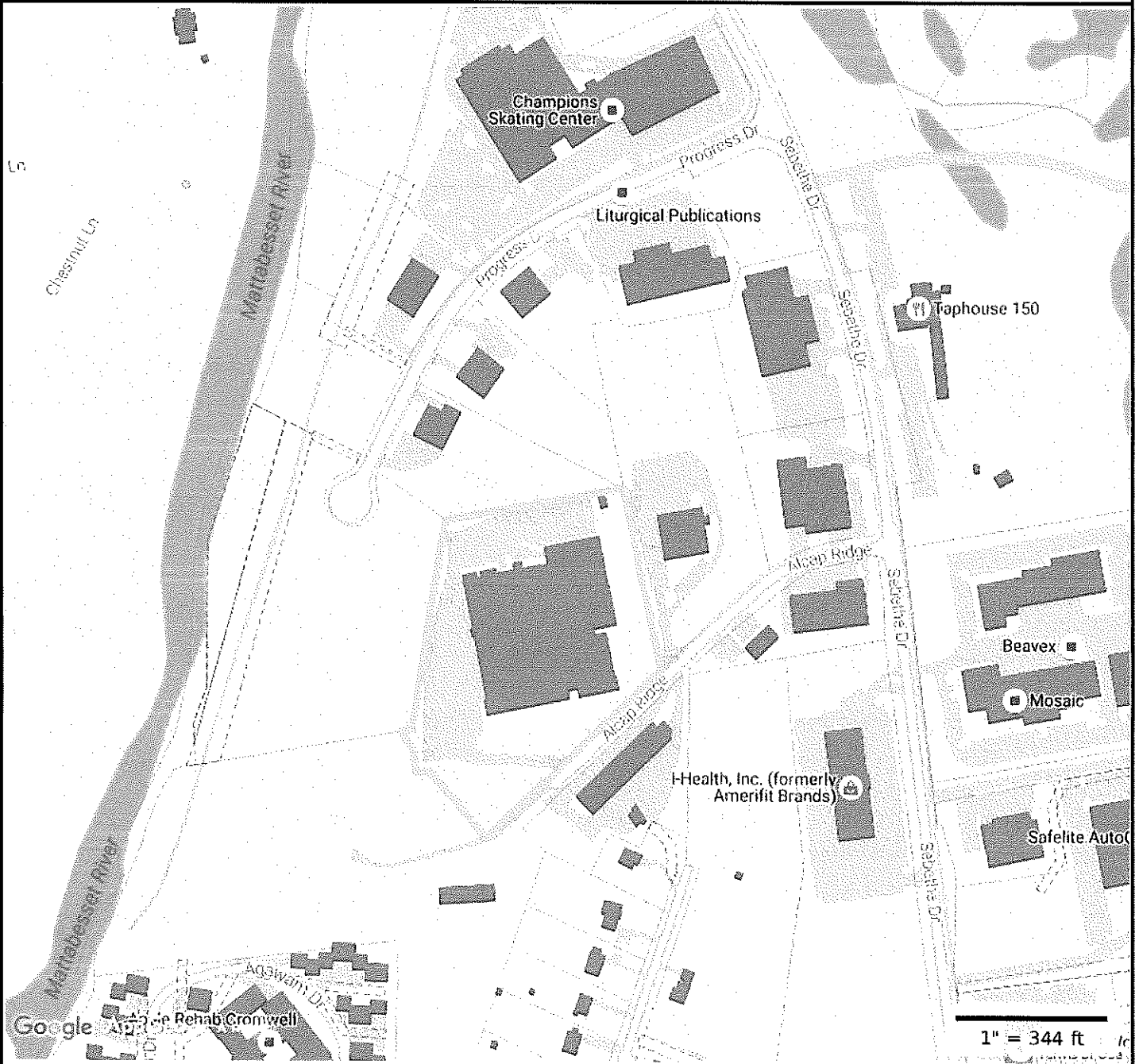
WE ARE APPLYING FOR TWO VARIANCES. WE HAVE A RECREATIONAL FACILITY AWAY FROM RESIDENTIAL AREA AND SECLUDED FROM OTHER BUSINESSES. IT IS INTEGRAL TO OUR BUSINESS. WE CATER TO TRAINING AND PATRONS ARE HERE FOR RECREATION. OUR PRIMARY COMPETITOR IN MIDDLETOWN, ADVANCED SPORTSPLEX, SERVES BEER AND WINE. MANY OF OUR CUSTOMERS AND POTENTIAL NEW CUSTOMERS ASK FOR BEER AND WINE.

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.

  
\_\_\_\_\_  
applicant

11/21/16  
\_\_\_\_\_  
date





**Property Information**

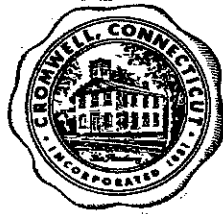
**Property ID** 00325200  
**Location** 14 ALCAP RIDGE  
**Owner** FOURTEEN ALCAP LLC



**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

Town of Cromwell, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 06/2016  
 Properties updated daily



**Town of Cromwell**  
**Office of the Mayor**  
Nathaniel White Building  
41 West Street  
Cromwell, CT 06416

November 15, 2016

Stephen Wygonowski  
20 Chelsea Drive  
Cromwell, CT 06416

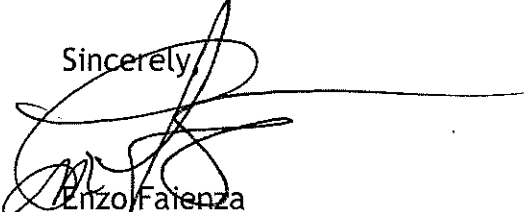
Dear Mr. Wygonowski,

I am pleased to advise you that at their meeting of November 9, 2016, the Town Council appointed you as an alternate member to the Zoning Board of Appeals. Your term will expire November 2017.

Congratulations, and thank you for serving our community in this way.

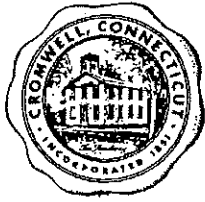
Thank you again. I am looking forward to working with you.

Sincerely,

  
Enzo Faienza  
Mayor

Thank You Steve For  
taking the time to  
serve our community,  
All the best !!  
Enzo

Copy: Joan Ahlquist, Town Clerk  
Chairman ZBA ✓



## 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

Stuart B. Popper

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