

# Town of Cromwell Zoning Board of Appeals

RECEIVED FOR RECORD  
Mar 05, 2019 01:31P  
JOAN AHLQUIST  
TOWN CLERK  
CROMWELL, CT

**REGULAR PUBLIC HEARING AND MEETING**  
**6:30 P.M. TUESDAY MARCH 12, 2019**  
**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 Hearings:
  - a. Application #19-01: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back) to allow for the construction of an addition at 19 Catherine Street. Lauren E. Rondinone is the Applicant and the Owner.
  - b. Application #19-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back) to allow for the construction of an addition at 200 West Street. Linh D Truong and Linda Duong are the Applicants and the Owners.
7. Approval of Minutes:
  - a. November 13, 2018
  - b. December 11, 2018
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 March 12, 2019 in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #19-01: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back) to allow for the construction of an addition at 19 Catherine Street. Lauren E. Rondinone is the Applicant and the Owner.
  
2. Application #19-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back) to allow for the construction of an addition at 200 West Street. Linh D Truong and Linda Duong are the Applicants and the Owners.

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

Joseph Morin  
Chairman

Dated in Cromwell, Connecticut this 25<sup>th</sup> day of February 2019

# **Memo**

**To: Zoning Board of Appeals**  
**From: Stuart B. Popper, AICP**  
**Director of Planning and Development**  
**Date: March 5, 2019**  
**Re: Comments on the March 12, 2019 Meeting Agenda**

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## **6. Public Hearing:**

a. Application #19-01: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back) to allow for the construction of an addition at 19 Catherine Street. Lauren E. Rondinone is the Applicant and the Owner.

*The existing 12,926 square foot lot contains a single family 1,068 square foot house and is located in the R-15 Zone District on the east side of Catherine Street. The existing house is nonconforming to the required side yard setback in the R-15 Zone District. The existing sideyard on the north side of the house is only 8 feet and 4 inches. The required sideyard setback in the R-15 Zone District is 20 feet with an aggregate side yard of 50 feet.*

*The Applicant is proposing to construct an addition in the rear of the house which will have a 9 feet 4 inch side yard. The hardship is that the lot is already nonconforming and any new construction near the side yards will require a variance. Attached is a map showing the location of the house and the addition.*


b. Application #19-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Set Back) to allow for the construction of an addition at 200 West Street. Linh D Truong and Linda Duong are the Applicants and the Owners.

*The existing 11,325 square foot lot contains a single family 1,068 square foot house and is located in the Highway Business Zone District on the north side of West Street. The Applicant is proposing to convert the single family house into a restaurant. The existing house is nonconforming to the required side yard setback in the Highway Business Zone District. The existing sideyard on the north side of the house is only about 10 feet and 8 inches. The required sideyard setback in the Highway Business Zone District is 25 feet with an aggregate side yard of 50 feet.*

*The Applicant is proposing to demolish the existing sun room addition and construct a 20 foot x 30 foot addition in the rear of the house which will also have a 10 foot 5 inch side yard. The hardship is that the lot is already nonconforming and any new construction near the side yards will require a variance. Attached is a map showing the location of the house and the addition.*

TOWN OF CROMWELL  
ZONING BOARD OF APPEALS

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

Address: 19 CATHERINE STREET	PIN #: 00082300
Zoning District:	Volume/Page: 1375-028
Applicant: LAUREN RONDINONE	Property Owner: SAME
Home or Business Address: 19 CATHERINE ST CROMWELL, CT 06416	Home or Business Address: SAME
Phone #: 860 759-3316	Phone: SAME
Email: ENVIDUORE@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.	I hereby consent to the Applicant acting as my agent for the purpose of this application.
Signature:	Signature: 

**Type of Application (check one):**

Variance from Section 2.2.B of the Zoning Regulations.

Appeal from ZEO Decision dated \_\_\_\_\_.

Change of Non-Conforming Use Special Permit.

Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)

**Description of Request:**

CONSTRUCT REAR ADDITION IMPACTING  
SIDE YARD.

**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).

ADDITION NEEDS TO BE ON THIS SIDE FOR  
 DESIGN PURPOSES.

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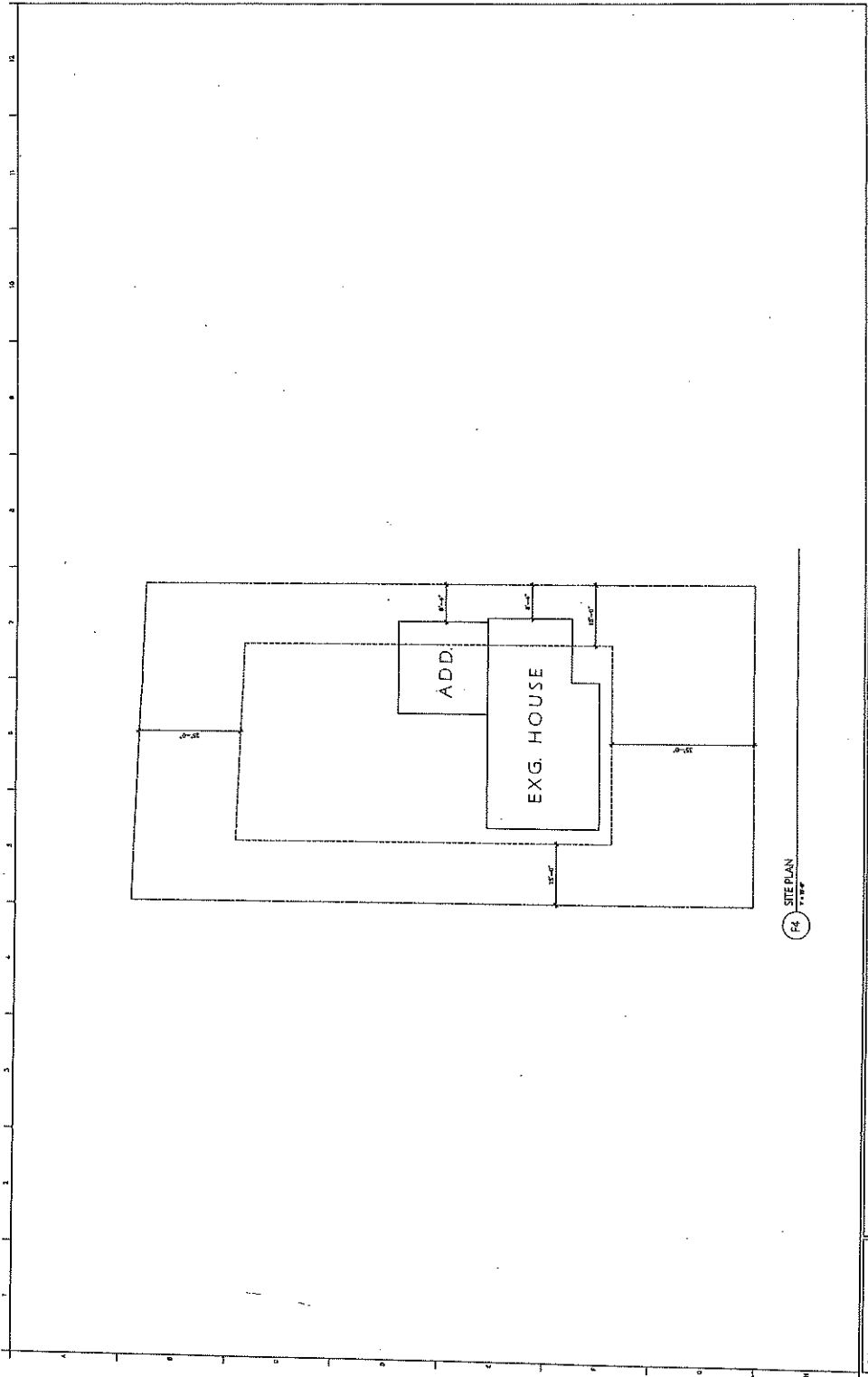


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1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post 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

2/19/19  
 \_\_\_\_\_  
 date



(F4) SITE PLAN  
12' x 12'

THE INFORMATION PROVIDED ON THIS SITE PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES. THE ARCHITECT'S SERVICES ARE LIMITED TO THE DESIGN AND PREPARATION OF ARCHITECTURAL DRAWINGS AND DOCUMENTS. THE ARCHITECT DOES NOT PROVIDE ENGINEERING, SURVEYING, OR OTHER PROFESSIONAL SERVICES UNLESS SPECIFICALLY NOTED OTHERWISE.

**JENNIFER MORGENTHAU ARCHITECT LLC**  
 17 Harris Drive  
 Newington, CT 06111  
 860.436.4870

Lauren Rondinone  
 19 Catherine Street  
 Cromwell, CT 06416

PROJECT NAME: SITE PLAN  
 DATE: 12/1/2011  
 DRAWN BY: JMA  
 CHECKED BY: JMA

SHEET: S1.0



Property Information

Property ID 00082300  
 Location 19 CATHERINE STREET  
 Owner RONDINONE LAUREN E



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.

Geometry updated 7/1/2018  
 Data updated 11/18/2018



**Patriot**  
Properties Inc.

0 19 CATHERINE STREET  
CROMWELL CT 06416

Use Code	Land Value	PA 490 Value	Mkt Adj Cost	Outbuildings	Total Value	Total Assessed
101	96,200	0	88,500	0	184,700	129,290
<b>TOTAL</b>	<b>96,200</b>	<b>0</b>	<b>88,500</b>	<b>0</b>	<b>184,700</b>	<b>129,290</b>

**Previous Value Information**

Tax Yr	Land Value	Bldg Value	Outbuildings	Total Value	Total Assessmen
2018	96,200	88,500	0	184,700	129,290
2017	96,200	88,500	0	184,700	129,290
2016	101,810	79,930	0	181,740	127,220
2015	101,810	79,930	0	181,740	127,220
2014	101,810	79,930	0	181,740	127,220
2013	101,810	79,930	0	181,740	127,220

**Previous Owner(s)**  
CEPLENSKI PAULINE S THE ESTATE  
OF

**General Notes**

1/A SHOWER STALL/TOILET/SLOP SINK IN URM= NV

**Sales Information**

Grantee	Vol-Page	Type	SaleDate	SalePrice	Sale Verif	GeneralNotes
RONDINONE LAUREN E	1375-028		05/20/2011	185,000	Estate Sale	
CEPLENSKI PAULINE S THE E	1350-22		10/05/2010	0	No Consideration	
CEPLENSKI PAULINE S	45-189		06/23/1952	0		

**Activity Information**

Date	Results	Visited By
09/30/2017	No Change - Field Review	Dave Stannard
05/24/2017	Change - Field Review	John Hocking
01/26/2017	Data Mailer No Change	John Hocking
06/28/2016	Permit- Miscellaneous	AO
05/26/2016	Permit- Miscellaneous	AO
08/24/2012	Change - Field Review	
07/13/2011	Interior Inspect	
06/09/2011	Site Verification Ltr Rcvd	SHAWNA
12/07/2010	No Change- RE Listing Review	
09/07/2006	Measure & Inspected	

**Building Permit Information**

Date	Permit #	Description	Amount	% Comp	Visit Date	CO Date	GeneralNotes
06/28/2016	24140	HVAC	4,900	100	06/28/2016		Replace A/C Condenser & A
05/26/2016	24051	Roofing	6,000	100	05/26/2016		Strip & Re-Roof

**Land Data**

Use	Description	Units	Type	Neigh	Special	Appraised Value	PA 490	Neigh	Notes
101	Single Family	12,197	SF	R5	Land.Calc	96,200	0	5500	
						<b>Total Appraised: 96,200</b>		<b>Assessed Value: 67,340</b>	

**Property Factors**  
Census 5703  
Flood:  
Topo: Level  
Street: Paved  
Dev. Map  
Dev. Map  
**Zoning Data**  
Desc. %  
R-15 100.00  
**Utilities**  
2 Public Water  
3 Public Sewer  
**BAA**



**Exterior Information**

Building Type: Ranch  
 Story Ht: 1 Story  
 Living Units: 1  
 Foundation: Brick/Masonry  
 Prim. Ext. Wall: Gable  
 Sec. Ext. Wall: Arch. Shingl  
 Avg. Wall Ht: RED  
 Color: RED

**General Information**

Name: 1952  
 Style: C  
 Location: Rem. Kitchen Yr:  
 Rem. Bath Yr:

**Interior Information**

Prime Wall: Drywall  
 Sec. Wall: Carpet  
 Floor Type: Oil  
 Sec. Floor: Hot Water  
 Heat Fuel: 100  
 Heat Type: % A/C:  
 Sec. Ht Type: % Sprinkled:  
 % A/C: 0  
 Bsmnt. Gar: 0  
 Kitchens: 1 Add. Kit: 0  
 Fireplaces: 1 Gas: 0  
 Int. Condition: Typical

**Calculation**

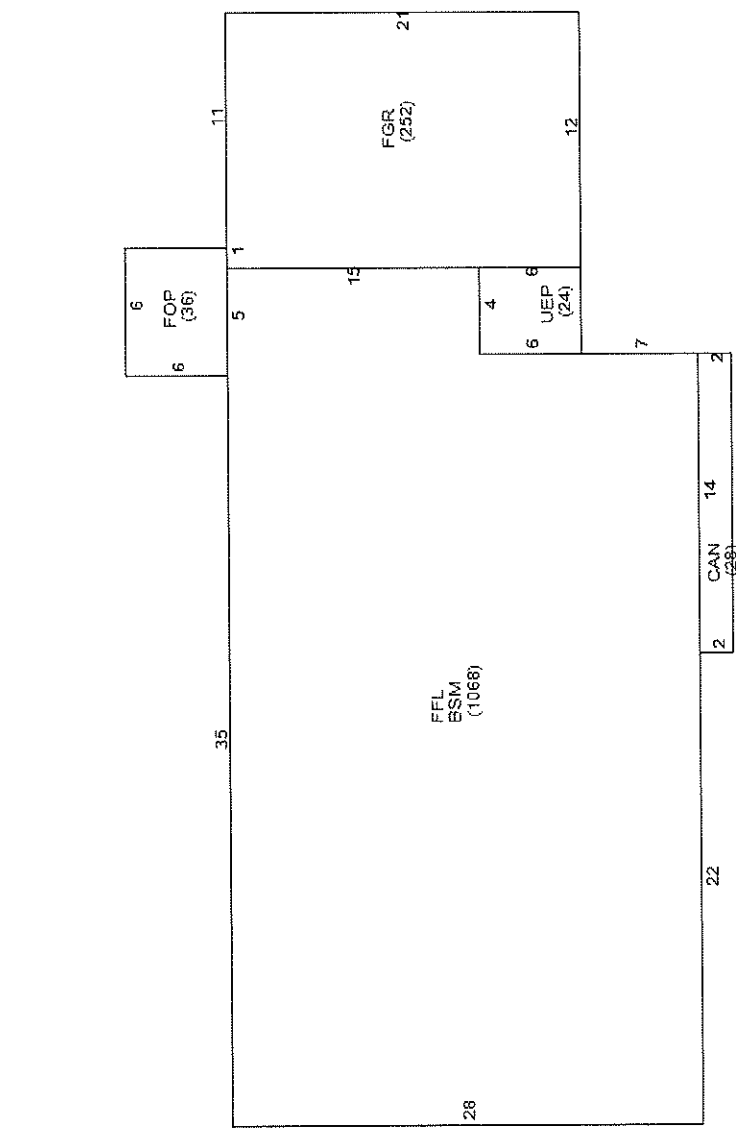
Phys Cond Avg-Good 34.00  
 Func 0.00  
 Econ 0.00  
 Spec 0.00  
 OV 0.00  
 Total %Dep: 34.00

**Room Count**

Total Rooms: 5  
 Bedrooms: 3

**Bath Features**

Full Baths: 1  
 Addl. Full Baths: 0  
 Half Baths: 0  
 Addl. Half Baths: 0  
 Full Bths Below: 0  
 Half Bths Below: 0  
 Other Fixtures: 0  
 Total Baths: 10



Code	Desc.	Living	Gross Area
FFL	First Floor	1,068	1,068
UEP	Utility Enc Porc	0	24
FOP	Framed Open	0	36
FGR	Garage	0	252
CAN	Canopy	0	28
BSM	Basement	0	1,068
Total		1,068	2,476

**Extra Features / Yard Items (1st 10 Lines Displayed)**

Code	Description	Qty	Size	Cond.	Year	Unit Price	Dep%	UndepValue	Appraised Value	Assessment
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Total Sp. Features: Total Appraised: Total Assessed Value

#19-02

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: 200 West ST Cromwell CT 06416	PIN #: 00488500
Zoning District: HB	Volume/Page: 1566-20
Applicant: LINH-TRUONG	Property Owner: - SAME
Home or Business Address: 200 West ST Cromwell CT 06416	Home or Business Address: - SAME
Phone #: 860-548-6306	Phone: - SAME
Email:	
<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:	Signature:

Type of Application (check one):

Variance from Section 3.3B of the Zoning Regulations.

Appeal from ZEO Decision dated \_\_\_\_\_.

Change of Non-Conforming Use Special Permit.

Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)

Description of Request:

ADDING AN ADDITON OFF OF STRUCTURE THAT ENCRONCHES ON THE SIDE YARD SET-BACK 10'-11" TO SIDE YARD WHERE 25' IS ALLOWED. SITE IS EXISTING NOW - CONFORMING.

**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).

VARIANCE REQUIRED ON EXISTING NON-CONFORMING SITE, ADDITION OFF REAR OF STRUCTURE, IS 10'-11" WHERE 25' IS REQUIRED.

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

02-26-2019  
date

Parcel ID: 00485500

Location: 200 WEST STREET

Map-Lot 21-1

Last Revaluation - October 1, 2017

**Current Owner**  
 TRUONG LINH D  
 DUONG LINDA  
 0 200 WEST STREET  
 CROMWELL CT 06416

Current Value Information		Mkt Adj Cost		Total Value		Total Assessed	
Use Code	Land Value	PA 490 Value	Building Value	Outbuildings	Total Value	Total Value	Total Assessed
101	112,800	0	106,700	14,200	233,700	163,590	163,590
TOTAL	112,800	0	106,700	14,200	233,700	163,590	163,590

**Patriot Properties Inc.**



**Previous Value Information**

Tax Yr	Land Value	Blgd Value	Outbuildings	Total Value	Total Assessmen
2018	112,800	106,700	14,200	233,700	163,590
2017	112,800	106,700	14,200	233,700	163,590
2016	97,710	76,610	11,430	185,750	130,030
2015	97,710	76,610	11,430	185,750	130,030
2014	97,710	76,610	11,430	185,750	130,030
2013	97,710	76,610	11,430	185,750	130,030

**Property Factors**  
 Census 5701  
 Flood:  
 Topo: Rolling  
 Street: Paved  
 Dev. Map  
 Dev. Map  
**Zoning Data**  
 Desc. %  
 HB 100.00

**Sales Information**

Grantee	Vol-Page	Type	SaleDate	SalePrice	Sale Verif	GeneralNotes
TRUONG LINH D	1566-20		08/16/2016	235,000		
JACQUES ALFRED	1201-260		03/27/2007	150,000		
YAGLOWSKI ROBERT P EXEC	1188-295		12/21/2006	0	No Consideration	
YAGLOWSKI HELEN	42-477		01/01/1900	0		

**Utilities**  
 2 Public Water  
 3 Public Sewer  
**BAA**

**Activity Information**

Date	Results	Visited By
09/30/2017	No Change - Field Review	Dave Stannard
05/17/2017	Change - Field Review	John Hocking
08/20/2014	No Change - RE Listing Review	SHAWNA
08/15/2012	Change - Field Review	SHAWNA
03/25/2011	Change - RE Listing	
07/27/2006	Measure & Inspected	
07/17/2006	Meas Estm- Owner non-cooperative	
03/31/2006	Permit - Walk Exterior	AO
03/20/2006	Permit- Miscellaneous	AO
03/06/2006	Permit- Miscellaneous	AO

**Building Permit Information**

Date	Permit #	Description	Amount	% Comp	Visit Date	CO Date	GeneralNotes
03/14/2006	15906	Electric	2,000	100	03/20/2006	05/09/2007	upgrade electrical serv
02/27/2006	15887	Electric	2,000	100	03/06/2006	03/13/2006	upgrade electric to 100 a

**Land Data**

Use	Description	Units	Type	Neigh	Land Adjustments	Special	Appraised Value	PA 490 Order	Notes
101	Single Family	11,328	SF	R7	Comm/Inhu -10%	Land Calc	112,800	0 1400	
Total Area: 0.26		PA 490 Use Asmt: 0		Total Appraised: 112,800		Assessed Value: 78,960			

ParcelID: 00488560

Location: 200 WEST STREET

Printed By: Shawna 04/06/2018 9:58:14PM

Bldg Seq 1 Of 1

**Exterior Information**

Building Type: Cape Cod  
 Story Ht: 1 1/2 Ft  
 Living Units: 1  
 Foundation:  
 Prim. Ext. Wall: Vinyl Siding  
 Sec. Ext. Wall:  
 Roof Type: Gable  
 Roof Cover: Asphalt Shln  
 Avg. Wall Ht:  
 Color: WHITE

**Condo Information**

Name:  
 Style:  
 Location:  
 Tot Units:  
**General Information**  
 Year Blt: 1951  
 Grade: C  
 Remodeled Yr:  
 Rem. Kitchen Yr:  
 Rem. Bath Yr:

**Interior Information**

Prime Wall: Drywall  
 Sec. Wall: Hardwood  
 Floor Type:  
 Sec. Floor:  
 Heat Fuel: Oil  
 Heat Type: Forced Air  
 Sec. Ht Type:  
 % A/C: 0  
 % Sprinkled: 0  
 Bmnt Gar: 0  
 Add. KIt: 0  
 Kitchens: 1  
 Gas: 0  
 Fireplaces: 0  
 Int. Condition: Average

**Depreciation**

Phys Cond Good 26.00  
 Func Cl Intl 10.00  
 Econ Spec 0.00  
 OV 0.00  
**Total %/Dep: 33.40**

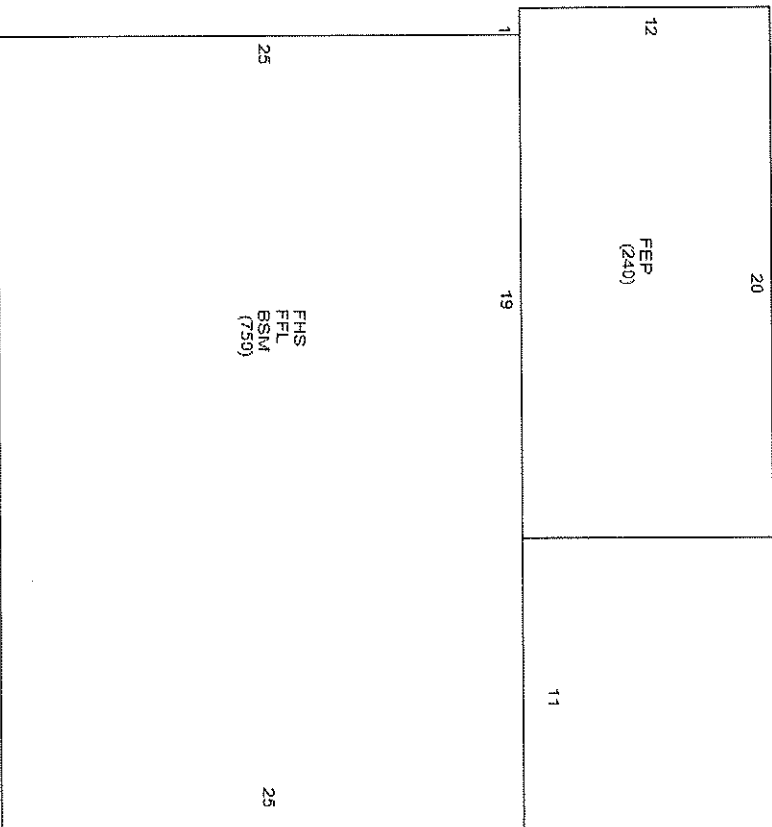
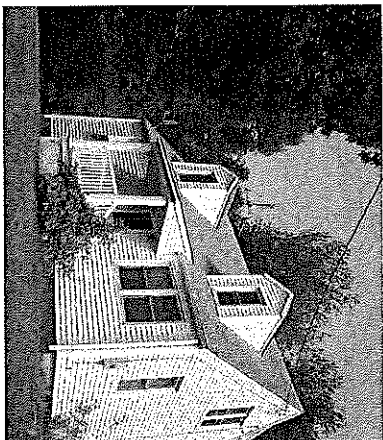
**Calculation**  
 Basic \$/SQ 70.50  
 Replacement Cost 150,172  
 Depreciation 53,497  
 Depreciated Value 106,675  
 Final Total (rounded) 106,700

**Room Count**

Total Rooms: 7  
 Bedrooms: 3

**Bath Features**

Full Baths: 2  
 Addl. Full Baths: 0  
 Half Baths: 0  
 Addl. Half Baths: 0  
 Full Bths Below: 0  
 Half Bths Below: 0  
 Other Fixtures: 0  
 Total Baths: 2



**Extra Features / Yard Items (1st 10 Lines Displayed)**

Code	Description	Qty	Size	Cond.	Year	Unit Price	Dep%	UndepValue	Appraised Value	Assessment	
SH2F	Shed LQ Fram	1	96	FR	2007	14,00	10	0	0	0	
GAR1	Garage Frame	1	726	AV	1938	25,00	35	21,780	14,200	9,940	
<b>Total Sp. Features:</b>									<b>14,200</b>	<b>Total Appraised:</b>	<b>14,200</b>
<b>Total Yard Items</b>									<b>14,200</b>	<b>Total Assessed Value</b>	<b>9,940</b>

Code	Desc.	Sub Area Detail	Gross Area
FFL	First Floor	Living	730
FHS	Finished Hal		488
FEP	Enclosed Por		240
FOP	Framed Open		0
BSM	Basement		0
<b>Total</b>			<b>1,238</b>
			<b>2,263</b>

**TOWN OF CROMWELL  
ZONING BOARD OF APPEALS  
REGULAR PUBLIC HEARING AND MEETING  
6:30 PM TUESDAY, NOVEMBER 13, 2018  
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Chairman Joseph Morin, Vice Chairman Daniel Delisle, Mark Zampino, Steven Wygonowski (alternate)

**Absent:** John Whitney, John Keithan, Brian Fisk (alternate)

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

**1. Call To Order**

The meeting was called to order by Chairman Morin at 6:33 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

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

**4. Approval of Agenda**

A motion to accept the agenda as presented was made by Mark Zampino; Seconded by Steven Wygonowski. *All in favor; motion passed.*

**5. Public Comments: NONE**

**6. New Business:**

**a. Approval of 2019 Meeting Calendar**

A motion to approve the 2019 Meeting Calendar was made by Steven Wygonowski; Seconded by Mark Zampino. *All in favor; motion passed.*

**7. Public Hearing:**

- a. Application #18-16: Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the**

relocation of a single family home at 14 South Street. TriCan Realty, LLC is the Applicant and the Owner.

- b. Application #18-17: Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 18 South Street. TriCan Realty, LLC is the Applicant and the Owner.
- c. Application #18-18: Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 286 Main Street. TriCan Realty, LLC is the Applicant and the Owner.

Chairman Morin read the legal notice for Application #18-16.

Mark Zampino made a motion to open the public hearing for Application #18-16; Seconded by Dan Delisle. *All were in favor; motion passed.*

James Cassidy, PE, Hallisey, Pearson and Cassidy Engineering Associates, Inc., 630 Main Street, said he was representing TriCan Realty, LLC, the owner of three parcels and asking for three variances at 14 South Street, 18 South Street, and 286 Main Street. He began by reviewing an existing site photo and said that these three lots were the remaining residential building lots from the 2003 subdivision. He reviewed the lot sizes and their frontage and said they were all within the Downtown Cromwell District.

Mr. Cassidy said that they were seeking these variances in order to place existing houses within the lots. He said that the recently approved project at Covenant Village on West Street included a reconfiguration of the front entranceway and driveway, and that the houses at 99, 101 and 103 West Street needed to be relocated or demolished. These houses had been in Cromwell for more than fifty years and they wanted to repurpose them by pick them up and relocating them to the lots on Main and South Streets.

The house at 101 West Street is a one story ranch and is planned for 14 South Street. The zone requires a 10 foot sideyard and 25 foot aggregate side yard. Mr. Cassidy said that the house was slightly too wide for the property and they needed a variance of 2 feet on the easterly sideyard and 3.55 feet from the overall aggregate. He said that they met all of the remaining bulk requirements.

Chairman Morin read the legal notice for Application #18-17.

Dan Delisle made a motion to open the public hearing; Seconded by Mark Zampino. *All in favor; motion passed.*

Mr. Cassidy said that the house at 99 West Street was proposed to be relocated to 18 South Street. They would need a variance of 1.71 feet from the sideyard and 3.99 feet

from the aggregate. Otherwise, they met all of the remaining bulk requirements for the zone.

Chairman Morin read the legal notice for Application #18-18.

Mark Zampino made a motion to open the public hearing for Application #18-18, Seconded by Dan Delisle. *All in favor; motion passed.*

Mr. Cassidy said that the house at 103 West Street, to be located at 286 Main Street, met the remaining lot bulk requirements, but needed a variance of 1.92 feet from the side yard and 3.84 feet from the aggregate yard. He said that the adjoining house was close to the property line and the applicant was proposing to grant an easement allowing the neighbor to access his hatchway.

Mr. Cassidy showed a plan with the houses superimposed on the lots. He said that a number of houses in the neighborhood did not meet the required setbacks. He said that relocating the houses was a good use, as it prevented them from going into a landfill. He said that the process was not inexpensive at about \$65,000 per house.

Chairman Morin asked about the flood elevation and said that the applicant would need to go to Planning and Zoning for a Special Flood Hazard Permit. Mr. Cassidy said they were at elevation 25, about 1 foot above the 100 year flood.

Chairman Morin asked if the houses could be turned sideways with a combined driveway. Mr. Cassidy said he didn't think that would look appropriate and such a configuration would make it hard to back out of the garage. Chairman Morin asked about detaching the garage and Mr. Cassidy said that they could not do that without demolishing the garage. He briefly explained the process of relocating the houses.

The hearings were opened to public comment.

Kathleen Powell, 3 Pleasant Street, said she was concerned with the stormwater and wanted to make sure it was taken into account as her yard is lower than the adjoining property. Chairman Morin asked about the intermittent stream in her yard. Mr. Cassidy said that there were existing catch basins and yard drains and reviewed the drainage flow in the area. He said that they were not raising or eliminating those basins.

Michael Cannata, 136 Nooks Hill Road, a member of TriCan Realty, LLC, said that they were not changing any of the flow patterns. He said that there is a swale between the properties and water will drain towards the catch basin.

Mr. Popper read two letters into the record.

Maria Brown, 274 Main Street, objected to the application. She said that the relocation of an outdated brick house will not improve the appearance or fit in with the neighborhood.



JoAnn McDonald, 270 Main Street, objected to the application. She said that she thought the houses would be built a certain way and she was worried that this application would lower her property value.

Mr. Popper said that these lots were in the Downtown Cromwell District and that they complied with the zoning and subdivision regulations when they were created.

Mark Zampino made a motion to close the public hearings for Applications #18-16, 18-17, and 18-18; Seconded by Steven Wygonowski. *All in favor; motion passed.*

Dan Delisle made a motion to approve Application #18-16, Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 14 South Street, Seconded by Mark Zampino.

Chairman Morin asked Mr. Popper if they were creating a non-conformity through the granting of a variance. Mr. Popper read the section on Non-conforming lots aloud and said that it did not apply as this lot was conforming. Mr. Popper said that if the property owner wanted to add additional structures on the side with the variance, they would need to apply for another variance. He said that they usually see variances on existing buildings.

There was a brief discussion as to whether the variance would be needed if the garage was removed, and Chairman Morin said it would be needed because of the "L" shape to it.

Chairman Morin asked how to justify using a variance for placing a house that is out of character with the neighborhood. Mr. Popper said that the neighborhood appeared to contain a mix of housing types. He said whether these houses fit in and are appropriate to the neighborhood is a question for the Commission. He said that when the newer houses were built, they did not match the neighborhood at the time.

Mark Zampino said he was ok with the variances for South Street, but had concerns with the Main Street proposal.

Chairman Morin called for a vote. *All were in favor; motion passed.*

Mark Zampino made a motion to approve Application #18-17, Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 18 South Street; Seconded by Dan Delisle. *All were in favor; motion passed.*

Dan Delisle made a motion to approve Application #18-18, Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 286 Main

Street, Seconded by Steven Wygonowski. Chairman Morin said he did not think that the house fit in with the neighborhood and seemed like it was in the wrong place and out of character.

In favor: Dan Delisle. Opposed: Chairman Morin, Mark Zampino, Steven Wygonowski. *Motion denied.*

Chairman Morin said it was denied because of the sight of the lot and character of the neighborhood. He suggested that they push the house back on the lot or remove the garage.

- d. Application #18-19: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Requirements) to allow for the installation of a shed in the front yard at 45 River Road. Cecunjanin Mubera is the Applicant and the Owner.

Neither the applicant, nor their representative, was present. Mark Zampino asked about the history of this application. Mr. Driska said that the shed was already located on the property and the subject of an zoning enforcement action. The applicant was asking for a variance, rather than opting to move it to another location or remove it altogether.

Mark Zampino made a motion to open Application #18-19, Seconded by Steven Wygonowski. *All were in favor; motion passed.*


Dan Delisle made a motion to table Application #18-19; Seconded by Mark Zampino. *All were in favor; motion passed.*

## 8. Approval of Minutes:

- a. October 9, 2018: Mark Zampino made a motion to approve the minutes; Seconded by Dan Delisle. *All were in favor; motion passed.*

9. **Adjourn:** Motion to adjourn made by Mark Zampino. Meeting adjourned at 7 :23 p.m.

Respectfully Submitted,

  
Julie C. Petrella  
Recording Clerk

**TOWN OF CROMWELL  
ZONING BOARD OF APPEALS  
REGULAR PUBLIC HEARING AND MEETING  
6:30 PM TUESDAY, DECEMBER 11, 2018  
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Mark Zampino, John Whitney, John Keithan, Brian Fisk (alternate), Steven Wygonowski (alternate)

**Absent:** Chairman Joseph Morin, Vice Chairman Daniel Delisle,

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

**1. Call To Order**

The meeting was called to order by Acting Chairman John Keithan at 6:42 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

Mark Zampino made a motion to seat Steven Wygonowski and Brian Fisk; Seconded by John Whitney. *All in favor; motion passed.*

**4. Approval of Agenda**

A motion to accept the agenda as presented was made by Brian Fisk; Seconded by Steven Wygonowski. *All in favor; motion passed.*

**5. Public Comments: NONE**

**6. Public Hearing:**

- a. Application #18-19: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Requirements) to allow for the installation of a shed in the front yard at 45 River Road. Cecunjanin Mubera is the Applicant and the Owner (Public Hearing continued from November 13, 2018)

John Whitney read the legal notice.

John Whitney made a motion to open the public hearing for Application #18-19, Seconded by Mark Zampino. *All were in favor; motion passed.*

The applicant did not appear. Mr. Driska said that he called the applicant earlier in the day to remind him of the meeting date, time, and location. Mr. Popper said that the applicant installed a sign with the hearing time on his property. Mr. Popper said that he had not received any phone calls from the applicant indicating that he would not show.

Brian Fisk asked if the application died if the Board did not act tonight. Mr. Popper said that the Board had to act within 65 days of opening the public hearing, which they had done on November 13, 2018. He said that the Board could vote to continue the public hearing to January 8, 2019, could close the public hearing, or could close the public hearing and vote on the application.

Brian Fisk made a motion to close the public hearing for Application #18-19; Seconded by John Whitney. Mr. Driska said that he would issue a Cease and Desist Order if the application was not approved tonight.

*All in favor; motion to close the public hearing passed.*

Brian Fisk made a motion to deny Application #18-19; Seconded by Mark Zampino. Brian Fisk said that the applicant had not provided any justification for his request and did not indicate the hardship.

Mr. Driska referenced color photographs of the shed location and lot. The owner of the lot rented out a portion to a tenant and it was the tenant's shed that was located in an irregularly shaped, triangular area of the lot, which was technically the front yard. Mr. Popper said that the owner lives in the other part of the house, which has the back yard, but does not want the tenant's shed located there.

Mr. Driska said that no permit had been requested and therefore there was no consultation on the shed's placement. Mr. Popper said that if the shed was located where the canoe is currently, no variance would be needed and it would be in compliance with the zoning regulations.

Mr. Driska repeated that he had personally spoken with the applicant earlier in the day to remind him of the meeting.

Steven Wygonowski asked if the shed could be relocated and Mr. Popper said yes. If the application was denied, he would advise the owner to remove or relocate the shed.


A vote was called for. *All were in favor; motion passed.*

## **7. Approval of Minutes:**

- a. November 13, 2018: John Whitney made a motion to table the approval of the minutes; Seconded by Steven Wygonowski. *All were in favor; motion passed.*

**8. Adjourn:** Motion to adjourn made by Brian Fisk; Seconded by Mark Zampino.  
Meeting adjourned at 6:54 p.m.

Respectfully Submitted,

  
Julie C. Petrella  
Recording Clerk