



Town of Cromwell Zoning Board of Appeals

REGULAR PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY MARCH 9, 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 Hearings:**
 - a. Application #21-07: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setbacks Aggregate and Individual) to allow for the construction of addition in the rear house and side of the house at 28 Wildwood Road. Stephen Heizman is the Applicant and the Owner.
 - b. Application #21-08: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setbacks Aggregate and Individual and Lot Coverage) to allow for the construction of attached garage at 591 Main Street. Wildwood Road. Jose and Jacquelyn Munoz are the Applicants and Jose Munoz is the Owner.
7. **Approval of Minutes:**
 - a. February 9, 2021
8. **Adjourn**

RECEIVED FOR RECORD
Mar 03, 2021 10:24A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

**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 9, 2021 in the Council Chambers at the Cromwell Town Hall at 41 West Street on the following items:

1. Application #21-07: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setbacks Aggregate and Individual) to allow for the construction of addition in the rear house and side of the house at 28 Wildwood Road. Stephen Heizman is the Applicant and the Owner.
2. Application #21-08: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setbacks Aggregate and Individual and Lot Coverage) to allow for the construction of attached garage at 591 Main Street, Wildwood Road. Jose and Jacquelyn Munoz are the Applicants and Jose Munoz is the Owner.

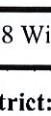
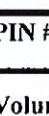
At this hearing interested parties may appear and be heard and written testimony received. The application is on file in the Planning and Development Department office at 41 West Street, Cromwell, Connecticut.

Joseph Morin
Chairman

Dated in Cromwell, Connecticut this 24th day of February 2021

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS**

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

Address: 28 Wildwood Rd, Cromwell, CT 06416	PIN #:
Zoning District: R15	Volume/Page:
Applicant: Stephen Heizman	Property Owner: Stephen Heizman
Home or Business Address: 28 Wildwood Rd, Cromwell, CT 06416	Home or Business Address: 28 Wildwood Rd, Cromwell, CT 06416
Phone #: 860-882-7619 Email: Sdheizman@yahoo.com	Phone: 860-882-7619
<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> Signature: 	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i> Signature: 
Type of Application (check one):	
<input checked="" type="checkbox"/> Variance from Section 2.2.B Bulk Requirements 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:	
Request for variance of setback requirements for R15 zone for construction of a 20' Wide x 40' Long x 18.5' High Master Bedroom and Family Room 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).

The existing house was built in 1951 with no plans to comply with today's R-15 zoning setbacks. The planned addition falls completely within the required zoning setbacks. The current setback requirements for an R15 zone are as follows: Front 35 LF, Side 15 LF, Aggregate Side 35 LF, and Rear 25 LF. The existing house built in 1951 is non-conforming based on the current setback requirements. We are proposing to build a 20' Wide x 40' Long x 18.5' High Master Bedroom and Family Room addition of the back of the existing house. The proposed addition will fall within the current setback requirements. However, the addition will be connected to the grandfathered non-conforming house, since the existing house built in 1951 it is non-conforming and a variance is required.

See attached sketch of proposed addition footprint.

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.

Stephan Nguyen

applicant

2/3/2021

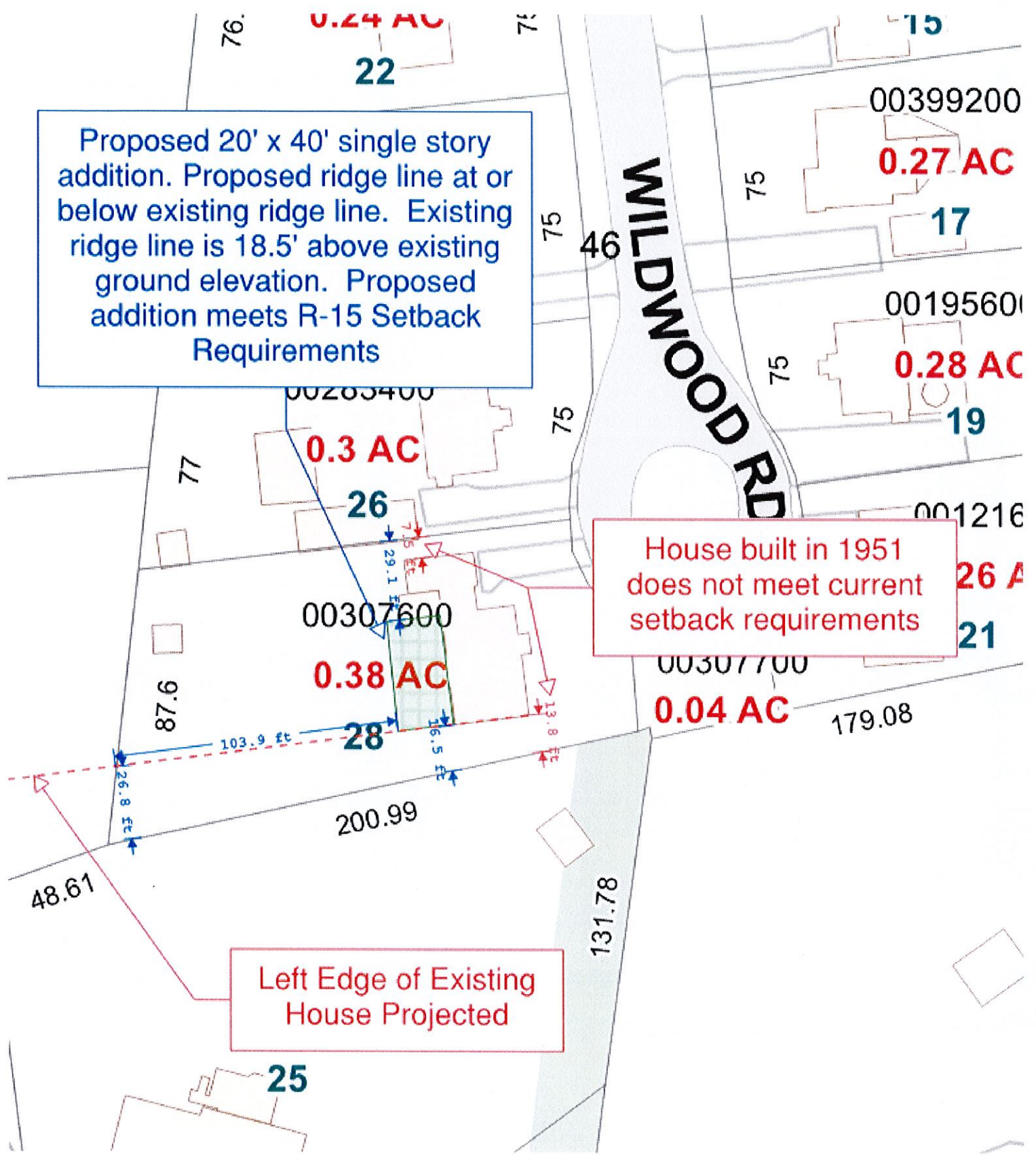
date

Proposed 20' x 40' single story addition. Proposed ridge line at or below existing ridge line. Existing ridge line is 18.5' above existing ground elevation. Proposed addition meets R-15 Setback Requirements

WILDWOOD RD



House built in 1951 does not meet current setback requirements

Left Edge of Existing House Projected



**TOWN OF CROMWELL
ZONING BOARD OF APPEALS**

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

Address: 591 Main St	PIN #:
Zoning District: R-15	Volume/Page: 1546-123
Applicant: Jose & Jacquelyn Munoz	Property Owner: Jose & Jacquelyn Munoz
Home or Business Address: 591 Main Street Cromwell, Ct 06416	Home or Business Address: 591 Main Street Cromwell, Ct. 06416
Phone #: 860-532-9755 Email: jose.munoz7714@gmail.com	Phone: 860-532-9755
<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):	
<input checked="" type="checkbox"/> Variance from Section <u>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)	
Description of Request:	
1. Sideyard variance of 17.5 ft where 20' is required	
2. Sideyard Aggregate variance of 24.5' where 35' is required	
3. Lot coverage variance of 16.71% where 15% is required	

Justification for Request:

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

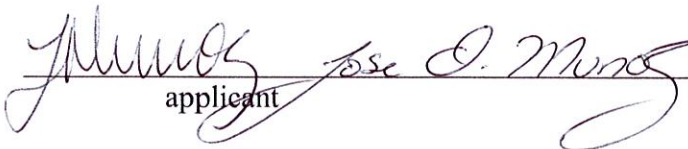
If Appealing a decision of the ZEO, explain why you feel the ZEO is wrong.

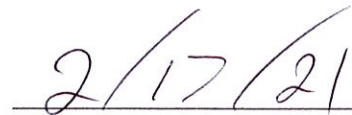
If Applying for a change in non-conforming use Special Permit, explain how the new use will be less non-conforming than the current use.

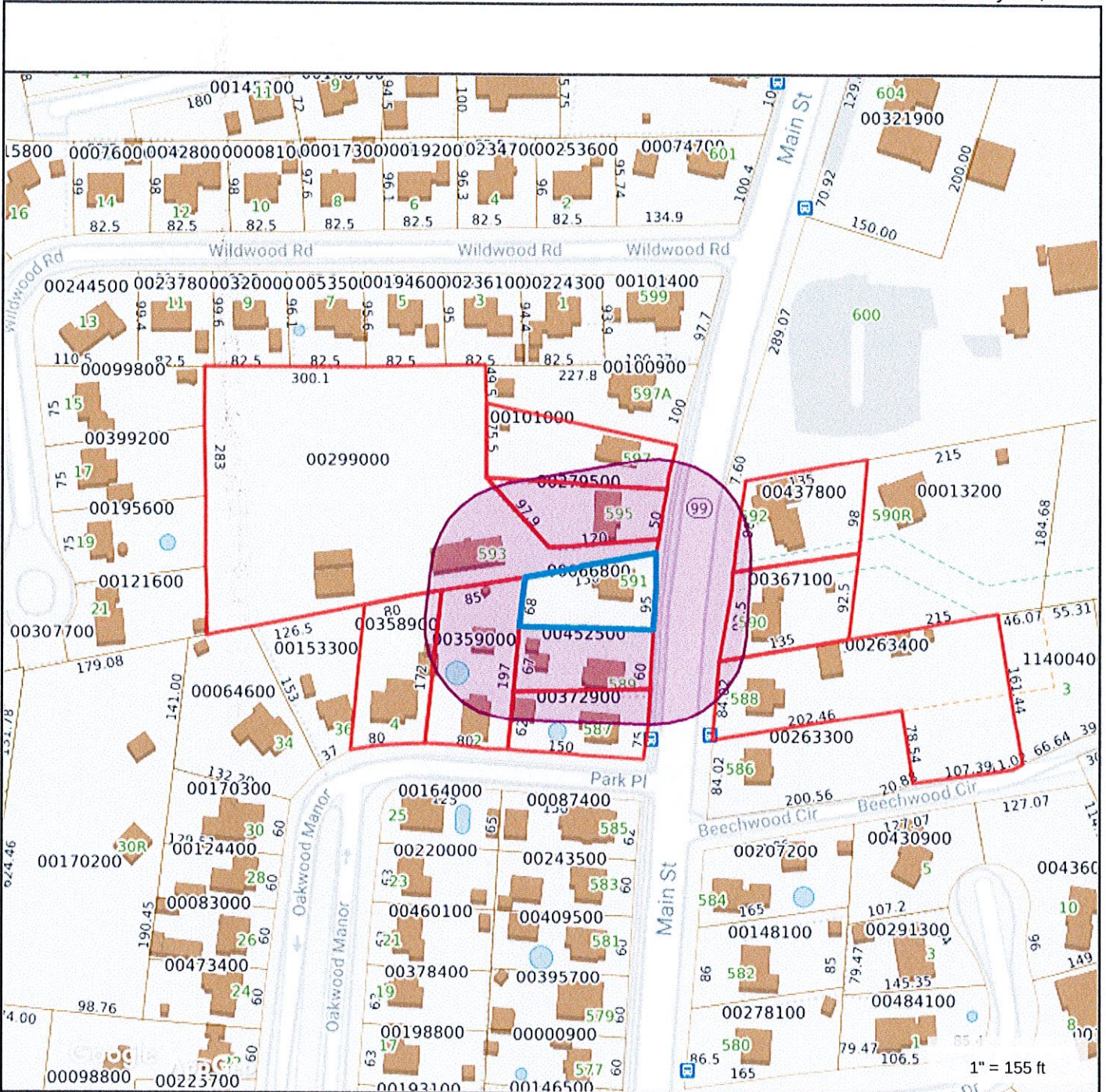
If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

The 3 variances are requested in order to build a 25'x25' garage . The existing house was built in 1926 prior to zoning regulations. The house was not sited to accomodate a reasonable size garage. In order to follow the current regulation a smaller garage would have to be built not being able to accomodate the size needed for the garage, interior stairs and the bedrooms above.

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


date



Property Information

Property ID 00066800
 Location 591 MAIN STREE
 Owner
 Owner Address
 Map Block Lot



**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 7/1/2020
 Data updated 11/18/2018

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MEETING
6:30 PM TUESDAY, FEBRUARY 9, 2021
ROOM 224/225
CROMWELL TOWN HALL, 41 WEST STREET**

RECEIVED FOR RECORD
Feb 19, 2021 09:54A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

PL

Present: Vice Chairman Daniel Delisle, John Whitney, Mark Zampino, Steven Wygonowski (alternate) and Chairman Joseph Morin (via telephone)

Absent: John Keithan

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 Vice Chairman Daniel Delisle at 6:35 p.m.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

Mark Zampino made a motion to seat alternate Steve Wygonowski; seconded by John Whitney. *All in favor; motion carried.*

4. Approval of Agenda:

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

5. Public Comments:

None.

6. Public Hearings:

Director of Planning and Development Stuart Popper read the Legal Notice into the record.

a. Application #21-03: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard Setback) to allow for the construction of addition in the rear of the house and side of the house at 10 Marsal Lane. Paul Dworak is the Applicant and Waldemar F. Dworak and Jessica Dworak are the Owners.

The Applicant, Paul Dworak, 3 Patricia Lane, Cromwell addressed the Commission. Mr. Dworak is requesting a variance for the rear yard and side yard set-back to allow for the construction of an addition. He explained that the variance is required due to the hardship of the unique shape of the property and the location of the home on the property at 10 Marsal Lane.

Mr. Dworak submitted a map showing that the existing setback from Shunpike Road is 40.5 feet and the addition is going to basically intrude about 16 feet right, so the result will be the rear yard setback of 24.5 feet. He explained that the way the addition is situated it pushes out literally from the right side of the house. Mr. Dworak said there is a structure there on the property (a pool house) that will be removed but the pool will remain on the property. He noted that the

addition is going to be an in-law apartment for his parents. Chairman Joseph Morin asked if the State of Connecticut was notified as Shunpike Road (Route 3) is a State road. Mr. Popper replied that notification is not required since it is not a building lot and as such is not recognized as an abutter. Mr. Morin disagreed, and Mr. Popper said he will consult the Town Attorney for a better interpretation of this policy. Mr. Wygonowski asked if there would be any changes to the existing driveway. Mr. Dworak said that they may widen it, but it will not come close to the property line. Chairman Joseph Morin asked how many floors the addition will be. Mr. Dworak replied that it is one floor and will be lower than the existing 2-story home.

Vice Chairman Dan Delisle asked if anyone had more questions. Mr. Popper just wanted to advise the Applicant, that before obtaining a building permit, it would be wise to have a discussion with Planning and Zoning staff regarding access to the proposed accessory structure.

Mr. Popper thanked the Applicant and reiterated to the Commission that as shown on the map, the hardship is obviously the unique nature of the lot and how the structure was placed on the lot. Mr. Zampino asked the Applicant if there were any comments from the neighbors. Mr. Dworak replied that information was supplied to neighbors and no neighbors are present at the Public Hearing.

A motion to close Public Hearing for Application #21-03 made by John Whitney; seconded by Mark Zampino. *All in favor; motion carried.*

Vice Chairman Dan Delisle asked for a motion to approve or deny application #21-03. John Whitney made a motion to approve Application #21-03; seconded by Steve Wygonowski. *All in favor; motion carried.*

- a. Application #21-04: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of addition on the side of the house at 463 Main Street. Padre Pio Foundation of America, Inc. is the Applicant and the Owner.

Ms. Julie Ritter, Director of Padre Pio Foundation of America addressed the Commission. She gave a brief overview of the Padre Pio foundation, its history and the operations as they exist today on the property. Ms. Ritter said we are proposing to add a two-story addition to the side yard on the south side of the existing building, 2,705 sq. ft., which will come within 16.2 feet from the side property line with the requirement of 20 feet and 47.8 feet of the side yard aggregate with the requirement of 50 feet. She explained that the variance required will result in 3.8-foot reduction on the side yard and 2.2-foot reduction in the side yard aggregate. Ms. Ritter said the Variance is required because the current location of the existing building so close to the property line.

Ms. Ritter invited Peter Grasso to explain the situation to the Commission. Mr. Grasso is the owner of PFG Design Group in North Haven and has prepared the drawings and site plan. Mr. Grasso explained that the proposed addition would be a two-story structure that will compliment the existing historical building. He noted that there is inadequate office and storage space and access for deliveries and the purpose of addition is to provide additional space for the growing business. Mr. Grasso described all the modifications to the building including a new deck off the chapel and summarized the variances being requested. A Commission member asked why the addition had to be on this side of the house. Mr. Grasso responded that due to the shape of the property, the location of the existing building, the current parking and layout it is only conducive to build on the left side of the property. He

noted that when adding an addition to the existing building, this is really the only place from a structural perspective. Mr. Grasso told the Commission that he did the best he could to keep the footprint as small as possible. Vice Chairman Dan Delisle asked if there will be a different entrance off Iron Gate. Mr. Grasso replied no, that the entrance to the facility will remain the same as today off of Main Street. Chairman Joseph Morin commented that the proposed deck was not shown on the title sheet. Mr. Grasso apologized for the mistake and noted that there is a supplemental sheet showing that the proposed deck is well within the existing building setbacks. Mr. Wygonowski asked about the third floor. Mr. Grasso responded that it is an area for attic storage and air handling units.

Ms. Ritter has spoken to neighbors and they are happy with changes and she had requested that they write letters in support to Mr. Popper. Mr. Popper read a letter received from Mr. Kevin Calhoun of 462 Main Street in support of the changes. A Commission member asked about the 4 bedrooms in the building and Ms. Ritter responded that she hoped these could be used in the future for visiting sisters or priests.

Vice Chairman Dan Delisle asked if the Commission members had any further questions or comments. There were none. Vice Chairman Dan Delisle asked if there was any one from the public that wished to comment. Mr. Mark Sigarella, the abutting property owner at 5 Iron Gate Lane, addressed the Commission. Mr. Sigarella said he is concerned with privacy. Mr. Grasso responded that the intention is to plant 8-foot arborvitaes along the property line abutting 5 Iron Gate. Ms. Ritter said she will speak further with Mr. Sigarella regarding the privacy issue.

Motion to close Public Hearing for Application #21-04 made by John Whitney; seconded by Mark Zampino. *All in favor; motion carried.*

Vice Chairman Dan Delisle asked for a motion to approve or deny application #21-04. Mark Zampino made a motion to approve Application #21-04; seconded by John Whitney. *All in favor; motion carried.*

- a. Application #21-05: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of an enclosed access from the side of the house to the garage at 11 Timber Hill. David Rubino is the Applicant and George H. Kupfer, Jr. is the Owner.

The Applicant, David Rubino, 127 Tryon Street, Middletown, addressed the Commission. Mr. Rubino explained that the homeowner, Mr. George H. Kupfer, Jr. is requesting a variance to allow for the construction of an enclosed access way from the side of the house to the expanded free-standing garage due to his physical limitations. Mr. Rubino said he is proposing to attach covered breezeway/entry from the enclosed porch to the garage. Mr. Popper asked Mr. Rubino to explain why the garage was built so close to the house. Mr. Rubino said that the garage was built as a free-standing structure, and as such met the setbacks for an accessory building and did not need a variance. He noted that the garage was enlarged to give Mr. Kupfer more interior space and he was able to enter and exit the garage through the overhead door. Mr. Rubino said after the last snowstorm, it became apparent that Mr. Kupfer would have no access to the garage from the house and would have to walk down the driveway which is impossible given his physical limitations. Mr. Rubino explained that he is proposing to make an entryway from the house into the side of the garage and enclose it. Mr. Rubino reported that there would be no change to the current footprint.

Mr. Popper thanked the Applicant. Vice Chairman Dan Delisle asked if the Commission members had any questions for Mr. Rubino. The Commission members had no comments. Vice Chairman Dan Delisle asked if there was anyone from the public who wished to comment and there was none.

Motion to close Public Hearing for Application #21-05 made by Mark Zampino; seconded by Chairman Joseph Morin. *All in favor; motion carried.*

Vice Chairman Dan Delisle asked for a motion to approve or deny application #21-05. Mark Zampino made a motion to approve Application #21-05; seconded by John Whitney. *All in favor; motion carried.*

- a. Application #21-06: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front Yard Setback) to allow for the construction of 8' x 10' enclosure at the front of the house at 95 South Street. Janine Colagiovanni is the Applicant and the Owner.

Ms. Janine Colagiovanni addressed the Commission. Ms. Colagiovanni is seeking a variance for relief from the R-15 35-foot front yard setback to 32-feet for a proposed 8'x10' enclosure at the front door. She noted that the house is located up against the front setback leaving no area for the proposed enclosure. Ms. Colagiovanni explained that the current front walkway is open and offers no protection from the elements. Mr. Popper asked Ms. Colagiovanni to approach the Commission and show pictures of the home. Ms. Colagiovanni has talked to both of her neighbors about the project and they do not have any issues with it. Ms. Colagiovanni said that the addition is basically 10 feet wide and runs parallel to the house.

Compliance Officer Bruce Driska mentioned that the Commission approved a similar proposal about 2 years ago. Vice Chairman Dan Delisle asked if the Commission members had any questions or comments. The Commission members had no comments. Vice Chairman Dan Delisle asked if there was any public comment and there was none.

Motion to close Public Hearing for Application #21-06 made by John Whitney; seconded by Steven Wygonowski. *All in favor; motion carried.*

Vice Chairman Dan Delisle asked for a motion to approve or deny application #21-06. Chairman Joseph Morin made a motion to approve Application #21-06; seconded by John Whitney. *All in favor; motion carried.*

The Commission asked Mr. Popper to explain to all the Applicants present at this meeting how the application process works. Mr. Popper explained that if your application is approved, the Town will put an ad in the newspaper. He said that there is a 14-day appeal period from the date of publication of the legal notice for anyone who feels that the decision was inappropriate. Mr. Popper said a building permit is not issued until the 14-day appeal period ends. He noted that however, if the Applicant wants to begin the project before the end of the appeal period, a formal letter may be submitted that would hold the Town harmless if the decision is appealed.

The Commission thanked Mr. Popper.

7. Approval of Minutes:


a. January 12, 2021

Mark Zampino made a motion to approve the minutes from January 12, 2021; seconded by John Whitney. *All in favor; motion carried. (Vice Chairman Dan Delisle abstained.)*

8. Adjourn:

Chairman Joseph Morin made a motion to adjourn the meeting. *All in favor, motion carried.*
Meeting adjourned at 7:41 p.m.

Respectfully Submitted:

Handwritten signature of Michelle L. Armetta in blue ink.

Michelle L. Armetta
Recording Clerk