

**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.

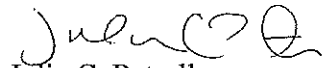
John Whitney made a motion to close the public hearing; Seconded by Mark Zampino. *All in favor; motion passed.*

**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