

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
PHONE (860) 848-8549 - FAX (860) 848-2354**

Minutes of Meeting

Wednesday, March 3, 2010 at 7:00 P.M.

LOCATION: MONTVILLE TOWN HALL – *Council Chambers*

- 1. Call to Order:** Vice Chairman Adams called the meeting or order at 7:00pm.
- 2. Roll Call:** A quorum was present. In attendance were Board Members Gregg Bassetti, Ellen Lakowsky and Douglas Adams, as well as Alternate Board Member Carl Freeman. (*Board Member Longton arrived at 7:05 p.m.) Staff present was Thomas Sanders, Zoning Enforcement Officer. Alternate was seated.
- 3. New Business:** none.
- 4. Public Hearings:**
 - a.) To rehear: 205-ZBA-7: Charles & Willmeta Cockerham:** An application for an appeal of an error in an order, requirement, or decision made by the Zoning Enforcement Officer for property located at 4 Glen Road, Uncasville, CT. As shown on Assessor's Map 106 Lot 6A.
***Board Member Chuck Longton was seated at 7:05pm.**

Mr. Sanders read a letter from Michael Carey, Town Attorney, stating that the Court had not determined if a public hearing was needed or not. **Motion to continue** by Vice Chairman Adams, seconded by Board Member Lakowsky. **5-0 favor, Motion carried.**

- b.) 210-ZBA-1: NDKLP Montville Associates, LLC:** An application for a variance from the second part of Section 11.A.2.4 to allow a fast food restaurant with a drive-thru as a principal use in the C-2 Zone on the property located at

2040 Route 32, Uncasville, CT. As shown on *Assessor's Map 103 Lots 001-A and 001-B*.

Mr. Sanders presented his staff report and stated Attorney Harry Heller made an amendment to the application showing the correct Assessor's Map and Lot.

Mr. Sanders explained the lot location and description of C-2 zone with regards to fast food restaurants with drive-thru's.

Attorney Harry Heller spoke representing NDKLP Montville Associates, LLC. He gave description of the location, land and reasons for variance request showing wetlands and property that was claimed by the State for the widening of Route 32.

Discussion was held. Mr. Sanders recommended that lots 1A & B be combined. No Public comments were presented.

Motion to close Public Hearing by Vice Chairman Adams, seconded by Board Member Bassetti. **5-0 favor, Motion carried.**

Motion to move item 4b to under 5 by Vice Chairman Adams, seconded by Board Member Freeman. **5-0 favor, Motion carried.**

5. Old Business:

a.) **210-ZBA-1: NDKLP Montville Associates, LLC:** An application for a variance from the second part of Section 11.A.2.4 to allow a fast food restaurant *with a drive-thru as a principal use in the C-2 Zone on the property located at 2040 Route 32, Uncasville, CT. As shown on Assessor's Map 103 Lots 1-A and 1-B.*

Vice Chairman Adams opened item 210-ZBA-1 for discussion. Mr. Longton had a question about reason statements. Discussion was held.

Motion to Approve was made by Vice Chairman Adams, Seconded by Board Member Lakowsky as follows: to **APPROVE WITH CONDITIONS** the request to modify section 11.a.2.4 of the Montville Zoning Regulations to allow restaurants and eating establishments, including fast food restaurants on lots without another principal use.

Condition being that the lots shown as map 103 lot 1a & map 103 lot 1b be combined into one lot.

Reason statement:

The literal enforcement of the provisions of the regulations would result in an unusual hardship or exceptional difficulty and would deprive the applicant of the reasonable use of the land.

The unique conditions and circumstances associated with the request are not the result of actions of the applicant taken subsequent to the adoption of the zoning Regulations.

The variance would be in harmony with the general intent and purpose of the Zoning Regulations, and would conserve the public health, safety, convenience, welfare, and property values. **5-0 favor, Motion carried.**

6. Minutes:

a.) Acceptance of the minutes from the Regular meeting of February 3, 2010.

Motion to accept by Vice Chairman Adams, seconded by Board Member Lakowsky.

5-0 favor, Motion carried.

7. Communications: Mr. Sanders read a letter addressed to Chairman MacNeil from Kevin Loiler for acceptance of his resignation from the Zoning Board of Appeals.

8. Other Business and Applications to come before the Zoning Board of Appeals: Mr. Sanders stated that on January 14, 2010, the State of Connecticut had doubled its fees for a zoning application. He stated that this did not apply to applicants of Zoning Board of Appeals.

9. Adjourn: Motion to adjourn at 7:45pm by Vice Chairman Adams, Seconded by Board Member Lakowsky. **5-0 favor, Motion carried.**

*Respectfully submitted,
Pamela Church, recording secretary*

**For complete record, refer to audio on file in the Town Clerk's Office*