

Town of Montville Zoning Board of Appeals  
Meeting Minutes of Wednesday, August 3, 2011  
7:00 p.m. – Montville Town Hall – Council Chambers

1. Call to Order

Acting Chairman Adams called the meeting to order at 7:00 p.m. after establishing a quorum.

2. Roll Call

Present were Board Members Adams, Bassetti, Freeman, Longton, and Jurczyk, absent were Board Members MacNeil and Lakowski. Also present was Zoning Enforcement Officer Thomas Sanders.

Acting Chairman Adams seated Alternate members Longton and Freeman in the absence of Board Members MacNeil and Lakowski.

3. New Business – none.

4. Public Hearings

a. Mohegan Fire Co, Inc. – 2011-ZBA-003. An application for a variance of Section 15.A.6.2 side yard setback from 15' to 3' and Section 15A.6.3 rear yard setback from 30' to 15' for the construction of a 40' x 80' metal building on the property located at 2029 Norwich New London Turnpike (Route 32) Uncasville, Connecticut as shown on Assessor's Map 104 Lot 41.

Mr. Sanders gave his staff report and stated the variances requested are for a side and rear yard setback. All of the mailings were received for this application and are on file in the office. He explained the side yard setback, stating there are two buildings in the front and the rear property line of the PJ&A property is considered a side yard for the fire department, not a front yard. The past precedence of the Planning & Zoning Commission have been when there is an irregular boundary line, if the line comes across it is considered a side yard. There is an agreement and easement between PJ&A, LLC and the fire department regarding access and parking. The site plan for PJ&A, LLC required a one way access and some additional parking. This was agreed to by both parties and recorded July 3, 1996 in Volume 289 Page 763 to 768. The location of the proposed building will not adversely affect the passage of vehicles over and through this easement area. Staff does not have any problems with the request for the structure, but a letter was received from Attorney Lloyd Langhammer who represents PJ&A, LLC (Shetucket Plumbing building) and the correspondence is included in the Commission packets and was read into the record by Mr. Sanders. The letter states there are pending issues between PJ&A LLC and the Hyatt Place Hotel that include rights of access. The letter asks the Board to consider whether issues between PJ&A and the Hyatt Place Hotel

regarding sight lines and access could also affect the Mohegan Fire Department. Mr. Langhammer wants to go on record as stating they do not waive any claims or rights they may have relating to their dispute with Hyatt Place Hotel and take no position as to whether their dispute may affect access rights for the Mohegan Fire Department but wish to bring this issue to the Boards attention. Mr. Sanders stated the building proposed by the Mohegan Fire Department will not impact any issues PJ&A, LLC has with the Hyatt Place Hotel and will not adversely affect the traffic flow through the property or adversely affect any parking spots in the parking lot. He discussed the expansion of Route 32 and how it affected the height of the signs in front of the fire department and PJ&A, LLC and the site lines on the road. He has not received correspondence for or against the proposed building from the Hyatt Hotel. The proposal does not impact the wetlands in any way, the fire department is planning to construct a detention pond to catch the water runoff from the parking area and treat it before it gets discharged into the wetlands. The proposed construction does not change the storm water runoff quantities. The fire department has hired May Engineering to engineer the 1000 gallon oil separator that will collect winter melt water from interior trench drains. The storm water runoff from the parking areas and roof drains will be renovated throughout a double catch basin with a four foot sump. The storm water will then flow through a plunge pool level spreader will to infiltrate and disperse runoff into the drainage area. The oil separator does not have an outlet and shall be pumped as needed by a licensed waste hauler and disposed of in an approved location. The proposed design conforms to the CT DEP and State Health Regulations.

Acting Chairman Adams asked if there was anyone from the public who would like to speak in favor of the application.

Chief Joe Giangrosso, Mohegan Fire Company, stated this building has been a plan for some time and he urged the Board to approve it for many reasons, he stated the length of the pad at the fire company was shortened during the Route 32 expansion and the length of the pad is the same length as the largest engine, causing a safety issue when doing maintenance. He suggests moving all small repairs at the fire company to the proposed building in the rear of the property. He hopes to store the boat, a pump donated by WPCA and any equipment that now requires being backed into the bay causing traffic problems on Route 32 to be stored in the proposed building. He is trying to raise the safety standards by moving as much as he can from the front of the existing building into the proposed new building in the rear of the property. He discussed the engineered water grit separator and how the system will improve the water quality of run off into the wetlands. The size of the building is necessary to accommodate the storage needs of the fire department and stated the location is in the best possible place with minimal impact to boundary lines.

Acting Chairman Adams asked if there was anyone present who would like to speak against the proposal.

Motion made by Board Member Adams, seconded by Board Member Jurczyk to close the Public Hearing, discussion, none, voice vote, 5-0, all in favor, motion carried and the Public Hearing for 2011-ZBA-003 was closed at 7:27 p.m.

5. Old Business – none.
6. Approval of the Minutes of June 8, 2011.

Motion made by Board Member Longton, seconded by Board Member Freeman to accept the meeting minutes of June 8, 2011 as submitted. Discussion, none, voice vote, 5-0, all in favor, motion carried.

7. Communications – none.
8. Other Business and Applications to come before the Zoning Board of Appeals.
  - a. Mohegan Fire Co, Inc. – 2011-ZBA-003. An application for a variance of Section 15A.6.2 side yard setback from 15’ to 3’ and Section 15A.6.3 rear yard setback from 30’ to 15’ for the construction of a 40’ x 80’ metal building on the property located at 2029 Norwich New London Turnpike (Route 32) Uncasville, Connecticut as shown on Assessor’s Map 104 Lot 41.

Motion made by Board Member Adams, seconded by Board Member Longton to grant the variances requested in application 2011-ZBA-003 for a reduction of Section 15A.6.2 side yard setback from fifteen feet to three feet and Section 15A.6.3 rear yard setback from thirty feet to fifteen feet. The reason for granting the variances being the specific conditions on the site are unique to the applicants land and does not generally affect the district in which the property is located and 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. Roll call vote, 5-0, voting in favor were Board Members Adams, Bassetti, Jurczyk, Freeman, and Longton. Voting in opposition, none. Variances granted.

9. Adjournment

Motion made by Board Member Freeman, seconded by Board Member Bassetti to adjourn the meeting at 7:45 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville