

Town of Montville Zoning Board of Appeals
Regular Meeting Minutes of Wednesday, June 6, 2012
Town Hall – Town Council Chambers

1. Call to Order

Chairman MacNeil called the regular meeting of the Zoning Board of Appeals to order at 7:02 p.m. after establishing a quorum.

2. Roll Call

Present were Board Members Adams, Lakowski, McNally and MacNeil. Absent was Board Member Bassetti and Alternate Member Freeman. Also present was Assistant Town Planner/ZEO Officer, Thomas Sanders.

3. New Business

4. Public Hearings

a. Jeffrey Watterlond 212-ZBA-3. An application requesting the granting of a 10.9' side yard setback variance from the requirements of Section 8.6.2 to allow for the construction of a two car garage and addition on the property located at #63 Leitao Drive, Montville, CT as shown on Assessor's Map 59, lot 33.

Chairman MacNeil asked if the mailings and notices are in order and Mr. Sanders stated they are. Chairman MacNeil asked Mr. Sanders to give a Staff Report to the Board.

Mr. Sanders stated the applicants are requesting a side yard variance reduction of Section 8.6.2 from fifteen feet to 5.1 feet to allow for the addition of a two car garage and to expand the master bedroom on the existing house. During the construction some grading will be required on the abutting property and a letter has been received granting permission from the abutting property owners to work on the property and it is attached to the application. The lots in this neighborhood are generally pre-existing, non-conforming due to their size because the subdivision was created prior to the adoption of the Zoning Regulations. He indicated the activity requested on this property does not appear that it will have any adverse affect on the neighborhood and he would recommend granting the variance as requested.

Chairman MacNeil asked three times if there was anyone present who would like to speak in favor of the application.

Chairman MacNeil asked three times if there was anyone present who would like to speak in opposition to the application.

Motion made by Chairman MacNeil, seconded by Board Member Adams to close public hearing 212-ZBA-3. Discussion, none, voice vote, 4-0, all in favor, motion carried and the public hearing was closed.

b. Joseph M. Wyspianski/Pauline T. Millaras 212-ZBA-4. An application for a Certificate of Location Approval for a Used Car Dealer's and Repairer's Facility to be located on the property at 904 Norwich-New London Turnpike (Route 32) Montville, CT as shown on Assessor's Map 83, lot 7-000.

Chairman MacNeil inquired if the mailings were sent out for this application and Mr. Sanders stated that they were.

Mr. Sanders stated the Connecticut General Statutes Section 14-54 authorizes the Zoning Board of Appeals to act as an agent of the State in approving the location of Dealers and Repairers Licenses. He indicated the Planning & Zoning Commission has already approved the site plan for this application and the application has met the requirements of the Zoning Regulations and he has included a copy of the Certificate of Notice of Decision for the Board to review. He explained the Board is required to review the type of license, the site plan and the requirements of the State form (K-93) and the Connecticut Department of Environmental Protection Water Compliance Certificate. Mr. Sanders stated the site plan has been updated and meets the site drawing requirements of the K-93 form with the exception of the waste oil retention facility and he would recommend approval of the location permit with the condition that all proper paperwork is submitted as required prior to the Chairman signing the permit.

Attorney William McCoy, representing the applicant, discussed the application request and the statutes pertaining to this particular application with the Board. He stated the site is suitable for the proposed use and indicated the Zoning Board of Appeals approval is required and the signature of the Chairman of the Board must be included on the application before a dealer or repairer's license is granted.

Mr. Joseph Wyspianski, applicant answered questions from the Board and discussed the Department of Environmental Protection Compliance Letter pertaining to car washes.

Chairman MacNeil asked three times if there was anyone who would like to speak in favor of this application.

Chairman MacNeil asked three times if there was anyone who would like to speak in opposition to this application.

Motion made by Board Member MacNeil, seconded by Board Member Adams to close application #212-ZBA-4. Discussion, none, voice vote, 4-0, all in favor, motion carried.

5. Old Business

a. Jeffrey Watterlond 212-ZBA-3. An application requesting the granting of a 10.9' side yard setback variance from the requirements of Section 8.6.2 to allow for the construction of a two car garage and addition on the property located at #63 Leitao Drive, Montville, CT as shown on Assessor's Map 59, lot 33.

Motion made by Chairman MacNeil, seconded by Board Member Adams to approve Application #212-ZBA-3 for 63 Leitao Drive, Oakdale, CT as shown on Assessor's Map 59, lot 33 with the following condition, The plan is to be filed along with the Notice of Decision. 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; the unique conditions and circumstances associated with the request are not the result of actions taken of the applicant taken subsequent to the adoption of the Zoning Regulations 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. Discussion, Board Member Adams stated the size of the proposed addition is reasonable and there is no opposition from the neighbors so he does not see any reason to deny the application. Chairman MacNeil stated the use is consistent with the neighboring properties and the property is a pre-existing non conforming lot and he does not see a reason to deny the application. Roll call vote, 4-0, voting in favor were Board Members Adams, Lakowski, McNally and MacNeil, voting in opposition, none, motion carried and the variance was approved with conditions.

b. Joseph M. Wyspianski/Pauline T. Millaras 212-ZBA-4. An application for a Certificate of Location Approval for a Used Car Dealer's and Repairer's Facility to be located on the property at 904 Norwich-New London Turnpike (Route 32) Montville, CT as shown on Assessor's Map 83, lot 7-000.

Motion made by Chairman MacNeil, seconded by Board Member Adams to approve application 212-ZBA-4, an application for a Dealers and Repairer's permit as required by Section 14-54 of the Connecticut General Statutes and to authorize the Chairman to sign the plans to be included in the application for the Department of Motor Vehicles with the condition that the applicant submit the type of license, the site plan and the requirements of the State Form K-93 and the Connecticut DEP Water Compliance Certificate to the Zoning Office prior to signing. Discussion, Chairman MacNeil stated the Board is acting as an agent for the State for this application. Roll call vote, 4-0, voting in favor were Board Members Adams, Lakowski, McNally and MacNeil, voting in opposition, none, application approved with conditions.

6. To consider and act on a motion to approve the meeting minutes of March 7, 2012.

Motion made by Board Member MacNeil, seconded by Board Member Adams to approve the March 7, 2012 meeting minutes, discussion, none, roll call vote, 3-0-1

(Board Member McNally abstained as he was not at the meeting), motion carried and the meeting minutes were approved.

7. Communications

Mr. Sanders distributed copies of the Zoning Enforcement Officer's Report for the period of March 27, 2012 – April 24, 2012 to the Board to review. There were a total of eight Zoning Permits issued, four Home Occupation permits, there is currently one Zoning Board of Appeals application pending and seventy six trade permits were issued.

8. Other Business – none.

9. Adjournment

Motion made by Board Member MacNeil, seconded by Board Member Adams to adjourn the meeting at 7:40 p.m., discussion, none, voice vote, 4-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.