

DRAFT

Approved by the Board on _____

TOWN OF MONTVILLE
Zoning Board of Appeals
310 Norwich New London Tpke
Uncasville CT 06382

MEETING MINUTES

August 5, 2009

1. **Call to order:** Chairman MacNeil called the August 5, 2009 meeting of the Montville Zoning Board of Appeals to order at 7:02pm.
2. **Roll Call:** Present: Board Members Lakowsky, MacNeil, Adams and Fawcett.
(4) Staff: Thomas Sanders Zoning Enforcement Officer.
3. **New Business:** none.
4. **Public Hearings:**
 - a. **Albert & Vicki Skulczyk:** An application for the following variance; Section 9.3 (R-20 Special Permits) on the property located at 11 Jerome Rd, Uncasville CT. Shown on Assessors Map # 73 Lot #14.
Mr. Sanders reviewed staff report stating a year ago the original application for this property did not have anything specific proposed for its purpose. Because of this, Board granted a variance of Section 10A.2.3 Business & Professional Offices. He also stated this current application does state a proposed specific use.
Attorney Harry Heller, representing applicants, explained that the requested variance was to allow the property to be converted to a funeral home. He stated the property was previously a church. The property is currently under contract with Woyasz & Sons Funeral Service. He stated the Board needed, under Connecticut Law, make a 2 prong finding in order to grant the variance.
Attorney Heller entered into record a copy of the Supreme Court decision in Libby vs. Zoning Board of Appeals, which is an old Connecticut case. He continued to explain the case and its similarities to the current application.
Attorney Heller also entered into evidence a letter from Mark Piscatelli of the Montville Congregation of Jehovah's Witnesses indicating that this facility had historically been used by the Congregation for evening meetings. He also reviewed parking requirements stating that there were 46 parking spaces which was within regulations. He also entered into evidence a copy of the Purchase & Sale Agreement for the property. Board Member MacNeil questioned the number of spaces showing on the plan. He pointed out a discrepancy in the parking space count and stated that it would need to be corrected.

Jonathan Woyasz from Woyasz & Son Funeral Service spoke to explain the Funeral Service operations and how it would impact the proposed location.

Attorney Heller spoke again summarizing the application presentation. He stated that he had received a phone call from Bill Caron in which he requested Attorney Heller to relay that he feels the proposed funeral home is good development for Montville, and as a property owner in the neighborhood, does not feel it will have an adverse impact on his property. Discussion was held.

Board Member Adams asked about what would happen if the funeral home were to fail.

Attorney Heller responded as well as Mr. Woyasz.

Motion to close 209ZBA-1 by Board Member MacNeil, seconded by Board Member Fawcett. **4-0 favor, Motion carried.**

Motion for 5 min recess at 7:42pm to make motion by Board Member MacNeil, seconded by Board Member Adams. **4-0 favor, Motion carried.**

Back in session at 7:47 pm.

Motion to approve Application 209ZBA-1 to allow the operation for a funeral home on the property located at 11 Jerome Rd with the condition that the Planning & Zoning Commission approve the site plan for this specific purpose as presented by Board Member MacNeil, seconded by Board Member Fawcett. **4-0 favor, Motion carried.**

A roll call vote was also performed showing a **4-0 favor.**

6. Minutes:

a. Acceptance of the minutes from the Regular Meeting of January 14, 2009. **Motion to accept** by Board Member MacNeil, seconded by Board Member Adams. **4-0 favor, Motion carried.**

7. Communications: none.

8. Other Business and Applications to come before the Zoning Board of Appeals: none.

9. Adjourn: Motion to adjourn at 7:52pm by Board Member MacNeil, seconded by Board Member Adams. **4-0 favor, Motion carried.**

**Refer to audio for complete recording of meeting*

Respectfully submitted by

Pamela Church, Recording Secretary