

MEMBERS PRESENT: Howard Haberman, Fred Katen, Ed Mead, Nanci Seltzer

ALTERNATES PRESENT: David Hulme, Charles Montalbano

STAFF PRESENT: Linda Stock, Zoning Enforcement Officer; Rose Elliott, Clerk

The meeting was called to order at 7:03 p.m.

Chairman Katen informed the audience that Item #3, 9 Norwood Avenue, had been postponed to the February 10, 2009 meeting. He then turned the meeting over to Linda Stock, Executive Secretary of the Zoning Board of Appeals, for the purpose of election of officers.

A. ELECTION OF OFFICERS

Linda Stock asked for nominations for Chairman. Mr. Mead nominated Fred Katen with Mr. Haberman seconding. There being no more nominations, Ms. Stock moved that one vote be cast for Fred Katen for Chairman. Ms. Stock asked for nominations for Secretary. Mr. Katen nominated Howard Haberman with Mr. Montalbano seconding. There being no more nominations, Ms. Stock moved that one ballot be cast for Howard Haberman as Secretary. Ms. Stock congratulated the officers and turned the meeting over to Chairman Katen.

B. CONSIDERATION OF AGENDA ITEMS

1. **775 Oronoque Road** (Zone HDD) Anne McCrory, attorney, for Robert A. Wagner, appellant, for The Southern Connecticut Gas Co., owner – request to vary Sec. 3.12.4.2(2) front yard setback from 30' to 23.8' and side yard setback from 20' to 17.5' to construct guard shack and concrete pad (Accessory Structures). CAM required. Map 84, Block 935, Parcel 1A.

Bob Wagner, representing The Southern CT Gas Co., said they are requesting a variance for their L & G facility; the parcel where their large tank is located, next to the transfer station on Oronoque Road. They are enhancing security at all their locations. At this particular location, there is a security officer inside the facility with an intercom and close circuit television. They would like to place the security office on the exterior of the facility. They are proposing a guardhouse that would be an 8'x8' prefab structure with heat, air conditioning and phone, placed on a concrete pad. The optimal location is right at the driveway where the intercom and gate controls are located. The security officer would let people into the facility, access control and secure the facility.

Chrmn. Katen asked for the hardship to which Mr. Wagner said there is no other location to site the guard shack so the security officer can deal with persons entering the facility.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Chrmn. Katen said this is a necessary evil at this time in this country.

Ms. Seltzer made a motion to approve with Mr. Haberman seconding. The hardship is there is no other location to place the security guard shack to create a secure building site. The motion carried unanimously with Ms. Seltzer, Messrs. Hulme, Haberman, Mead and Katen voting.

2. **729 Buckingham Avenue cor. Passway** (Zone R-7.5) Michael A. Gardocki, owner – request to vary Sec. 3.1.4.1 rear yard setback from 25' to 18' to construct 5' deck and stairs. CAM required. Map 38, Block 558, Parcel 81.

Michael Gardocki, 729 Buckingham Avenue, said he is asking for variance to construct a deck and stairs. He is replacing the existing steps and adding a walkway deck at the rear of the house. The hardship is the shape of the lot.

Ms. Stock answered Chrmn. Katen's request for comments by saying her only comment was that Mr. Gardocki would be back before the Board next month for his entire dwelling. He had to gut the house and because of the location of the house on the lot, he needs to apply for a variance for it next month.

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Ms. Stock informed the Board the new regulation is for 50% renovation allowed, instead of 80% renovation allowed. If you do more than 50% renovation and you don't meet the setbacks, you have to come before this Board.

Mr. Haberman made a motion to approve with Mr. Hulme seconding. The hardship is the shape of the lot and the location of the house on the lot. The motion carried unanimously with Ms. Seltzer, Messrs. Hulme, Mead, Haberman and Katen voting.

3. **9 Norwood Avenue** (Zone R-10) Stephen W. Studer, attorney, for First Connecticut Capital, LLC, owner – request to vary Sec. 3.1.4.1 lot size from 10,000 square feet (8,334.84 square feet existing) to 6,278 square feet and lot width from 70 feet to 60 feet to allow for lot line adjustment between 9 Norwood Avenue and 17 Norwood Avenue (Map 49, Block 604, Parcel 22A). Map 49, Block 604, Parcel 22.

Postponed.

C. TABLED BUSINESS

D. OLD BUSINESS

Chrmn. Katen asked for an update on Silver Street to which Ms. Stock stated they are still negotiating with the Ziebel's and their attorney, trying to come to an agreement. Ms. Seltzer asked why there would be negotiations? Ms. Stock answered they are trying to negotiate with the City to settle rather than having the Judge settle it. There have been fines imposed of \$100 a day for approximately two years now. If an agreement could be reached outside of the courtroom, the amount would be less than the accrued fine. Ms. Seltzer asked if the structures would remain? Ms. Stock

answered no, that this one of the points. The City would like the decks removed and the room converted back to an open deck along with some monetary reimbursement.

E. NEW BUSINESS

1. **66 Point Beach Drive** – Request from Atty. Thomas Lynch for a rehearing prior to the 6-month waiting period.

Ms. Stock reminded the Board that Atty. Lynch and architect Jim Denno, were here last month for a large addition directly behind the house, close to the property line. She read the letter from Atty. Lynch into the record. She showed the Board the revised plan submitted with the request for rehearing and the Board discussed the plan. Ms. Seltzer made a motion to deny the rehearing with Mr. Mead seconding. The reason for denial is the revised plan is not a substantial enough change to warrant revisiting prior to the 6 month waiting period. The motion carried unanimously with Ms. Seltzer, Messrs. Mead, Montalbano, Haberman and Katen voting.

F. STAFF UPDATE

G. ACCEPTANCE OF MINUTES FROM DECEMBER 9, 2008 AND DECEMBER 16, 2008 MEETINGS.

The minutes were approved unanimously.

H. ACCEPTANCE OF APPLICATIONS FOR FEBRUARY 10, 2009 MEETING.

The meeting was adjourned at 7:23 p.m.

Attest:

Rose M. Elliott
Clerk - ZBA