

**ZONING BOARD OF APPEALS  
December 7, 2009 Meeting Minutes**

Board Members Present: Shane O'Connor, Howard Aspinwall, Robert Rosenberg,  
Curtis Ruckey, Peter Lambert, and Alternate Lynn Mazza

Town Staff Present: Jennifer Rodriguez,  
Planning Coordinator and Assistant Zoning and Wetlands Officer

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Chairman O'Connor called the meeting to order at 7:00 pm.

Board roll call was taken.

**MINUTES:**

**Chairman O'Connor referred to the November 2, 2009 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion regarding the minutes. Mr. Rosenberg moved to accept the November 2, 2009 meeting minutes, as published. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**BILLS & CORRESPONDENCE:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- a. Public hearing on Application #FY09-10-06, Owner/Applicant: John Monacchio for a variance for the property located at 24 Hughes Lane to reduce the side yard setback to within 5 feet of the property line, where 10 feet are required.**

John Monacchio addressed the Board and stated that he wanted to construct an 832 square foot garage on his property. He noted that his biggest concern was to maintain access from both sides of the garage; therefore he did not want to attach the garage to the house. Mr. Monacchio commented that to maintain the maximum distance on both sides he wanted to put it with the edge of the foundation instead of moving it back 15 feet. He then noted that in the future he could attach the garage to the rear of the house.

Mr. Monacchio pointed out that there was a guide wire that went right to the edge of his driveway and that, if he were to move the garage up and attach it, the driveway would be very close to his neighbor's property line.

Mr. Monacchio stated that the closest the garage would be to the property line would be 4 ½ to 5 feet.

Mr. Ruckey asked Mr. Monacchio if he had had a survey done. Mr. Monacchio replied that he had not. Mr. Rosenberg then pointed out that the GIS was only an estimate of the actual survey. He went on to say that the Board needed to know the exact measurements. Mr. Rosenberg then stated that Mr. Monacchio should get a survey done. Mr. Monacchio commented that even if a survey were done the garage would not be the full 10 feet off the property line. He then asked if the Board were concerned that the garage might be on the property line without the survey. Mr. Rosenberg stated that the Board needed to know exactly where the property was.

Ms. Rodriguez submitted a survey that she had found in her files. She then explained that the survey had been done before the addition had been put on the house. She also pointed out that the survey showed a 2 or 3 foot difference in the property line from what the GIS showed.

Mr. Monacchio asked, if he were to get a survey done and the garage was going to be at least 5 feet from the property line, would he still run into any issues trying to build his garage. Mr. Ruckey replied that he would still have to come before the Board.

Mr. Monacchio asked what the purpose was for the 15 feet back from the existing foundation and at that point being allowed to build 5 feet from the line. Ms. Rodriguez stated that it was actually 10 feet from the line, not 5 feet. She then commented that she was not sure if when the Regulation had been proposed at that time there was a recommendation for safety purposes or impact to neighbors. Chairman O'Connor then pointed out that there could be issues with flammables inside the garage and that for safety reasons the separation distance might have been required.

Mr. Monacchio asked how close he could go to the property line if the garage were attached. Ms. Rodriguez replied that it would be the same.

Mr. Ruckey noted that Mr. Monacchio had mentioned possibly attaching the garage to the house in the future. Mr. Monacchio stated that he might attach it in the rear, where the deck was located. He went on to say that he did not want to attach the

garage to the side of the house. Mr. Ruckey clarified that he would not be attaching the roof line; he would be attaching decking. Mr. Monacchio stated that it would be a roof line from the garage to the existing roof in the rear; just an overhang.

Mr. Monacchio asked if the Board were directing him to get a survey done and to come back to them. Mr. Rosenberg commented that the survey should be done in order to get the exact property line so that the Board would know exactly how far the garage would be from the property line.

Chairman O'Connor asked the Board members for any questions. They had none.

Chairman O'Connor asked Mr. Monacchio if he would like to get a survey done and then come back before the Board. Mr. Monacchio replied that he would like to do so.

**Mr. Lambert moved to continue the public hearing on Application #FY09-10-06, Owner/Applicant: John Monacchio for a variance for the property located at 24 Hughes Lane to the February 1, 2010 meeting. Mr. Rosenberg seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Ms. Rodriguez noted that Mr. Monacchio might need an extension and that she would ask Mr. Monacchio for a letter requesting that extension.

- b. Public hearing on Application #FY09-10-07, Owner: Albert E. Hancock, III, Executor, Applicant: Dairy Cream at Bradley International, Inc. for a variance for the property located at 359 Ella Grasso Turnpike to build a 12 foot by 6 foot addition to an existing building for retail use.**

Attorney Paul Smith of 27 South Main Street addressed the Board and stated that he was representing the applicant. He then presented a diagram that was identical to the one that had been submitted to the Board members with the application.

Attorney Smith stated that the property was located at 359 Ella Grasso Turnpike and that it was the Dairy Cream that was just past the Air National Guard property. He went on to say that the property was triangular in shape. He then noted that on the other side of the property was the parcel that was owned by Daniel K. Christian, a resident of Suffield.

Attorney Smith stated that the site had been used as the Dairy Cream since the 1960's. He explained that Albert Hancock, Albert's father, had originally built the building. He then noted that the Assessor's card indicated that the building had been constructed in 1965. Attorney Smith reiterated that for the last 40 or 50 years it had

been operated as the Dairy Cream. He went on to say that there had been some changes to the site over the years; paving was done and stone and tables had been installed on the side of the building.

Attorney Smith commented that the Dairy Cream was not a place that you could go into; it was strictly an ice cream stand. He then noted that it operated seasonally; April to October.

Attorney Smith stated that the applicant was looking at doing a new façade to the building. He went on to say that it would not be a huge change, it would really be an upgrade. He then commented that while they were upgrading the building they wanted to add a fourth service window.

Attorney Smith stated that they wanted to add on a 12 x 26 foot addition to the north side of the existing building. He explained that it would give them a little more room inside and also allow them to add a fourth service window. Attorney Smith noted that they would not be expanding the parking, because they did not anticipate more customers; they just wanted to service them quicker.

Attorney Smith stated that the unusual part was that the property was Industrial zoned. He explained that the Cetulla piece, the shed business, was the last parcel in the Business zone. He went on to say that the Industrial Zone then continued north up Route 75 until near King Spring Road. He noted that it was sort of a hybrid area. Attorney Smith commented that they had considered applying for a zone change to change it from Industrial to Business, but that they had decided to go for a variance instead.

Attorney Smith summarized the application by stating that the parcel was a unique triangular piece and that they were proposing a 12 x 26 foot addition. He then reiterated that it was not a huge expansion of the use nor was it a change in the use.

Attorney Smith stated that the hardship was that it was a peculiar property; it was triangular in shape and was located in an odd zoning area with Business and Residential on either side. Attorney Smith noted that the Hancock's had always had a good relationship with the Christians. He went on to say that the applicant had always maintained a nice buffer of trees between their properties. He then reiterated that the property had always been used as a retail stand and that the zoning had taken it over.

Chairman O'Connor asked the Board members for any questions. Mr. Ruckey asked if there was any guarantee that it would not become a seating establishment in the future. Attorney Smith replied that there really wasn't a guarantee other than the fact that the building really was not big enough to make it a seating establishment. He pointed out that the building was only about 900 square feet and that they would have to have restrooms and a kitchen separate from the dining room in order to make it a seating establishment. Mr. Ruckey commented that the applicant would have to change the dynamics of the building in order to make it a seating establishment. Attorney Smith replied that that was correct. He then pointed out that there also really was no entrance in the front of the building for customers.

Mr. Lambert pointed out that there was parking currently located on the side of the building where the addition was being proposed. He then asked if the addition would alleviate the parking. Attorney Smith explained that coming before the Board was the first step in a two step process; they would have to go to the Planning and Zoning Commission with a site plan. He then stated that they might lose two or three parking spaces.

Chairman O'Connor asked the Board for any further questions. They had none.

Chairman O'Connor asked for any public comments in favor of the application. There was none.

Chairman O'Connor asked for any public comments in opposition to the application. There was none.

**Chairman O'Connor asked for a motion regarding Application #FY09-10-07. Mr. Ruckey moved to approve Application #FY09-10-07, Owner: Albert E. Hancock, III, Executor, Applicant: Dairy Cream at Bradley International, Inc. for a variance for the property located at 359 Ella Grasso Turnpike to build a 12 foot by 26 foot addition to an existing building for retail use understanding that the general purpose and intent of the Zoning Regulations does not present any public health, safety or property values nor does it impact the neighbors. The variance is solely for the addition indicated in this application. Any additional changes shall require a return to this Board. This is not a permit to build. Please see the Building, Planning and Zoning Department for all necessary requirements. Mr. Lambert seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**Mr. Rosenberg moved to adjourn the meeting. Mr. Aspinwall seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:35 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**THIS IS A DRAFT**

**Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.**