

ZONING BOARD OF APPEALS
September 2, 2014 Meeting Minutes

Board Members Present: Shane O'Connor, Howard Aspinwall, Douglas Hamilton,
Ronald King and Alternate Daniel Merrigan

Town Staff Present: Jennifer Rodriguez,
Town Planner & Certified Zoning Enforcement Officer

The meeting was called to order at 7:08 pm

Board roll call was taken.

MINUTES:

Chairman O'Connor referred to the August 4, 2014 meeting minutes and asked for any corrections or changes. There were none. He then asked for a motion. A motion was made to accept the August 4, 2014 meeting minutes, as published. The motion was seconded. The vote was 5 – 0, the motion was approved.

BILLS & CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

a. DMV Applications

b. Public Hearings

- 2. Public hearing on Application #FY14-15-04, Owner: Richard and Kenneth Rubenstein Trustees of the Charles Rubenstein Revocable Trust, Applicant: John Barberino for a variance for the property located on Choice Road, Map 17, Block 38, Lot 48 approximately 1,530 feet from Ella Grasso Turnpike to reduce the required lot area from 5 acres to 2.49 acres, reduce the minimum frontage from 400 feet to 88.75 feet and reduce the required side yard from 25 feet to 5 feet in order to locate a building and related vehicle storage use.**

Attorney Thomas Fahey addressed the Board and stated that the Applicant, John Barberino, was also presented that evening. He explained that the proposed business would have cars coming in by rail, getting serviced and then being brought off the property in question. Attorney Fahey stated that the property had an irregular, narrow shape and that with the railroad/access easement on the property it really encumbered the development of the property.

A discussion took place regarding the hardship and the differences between the application and the Rachael Road application that had come before the Board previously. It was noted that the application currently before the Board did not involve the division of the existing lot like the Rachael Road application had. It was also pointed out that the existing lot in question had existed since the 1960's.

Chairman O'Connor asked Ms. Rodriguez for any comments. Ms. Rodriguez stated that the proposal would allow for 12 cars and 1 rail car on the property. She went on to say that the use in question was permitted in the Industrial 3 Zone. She then noted that there were many easements on the property. Ms. Rodriguez commented that the last sale of the adjacent parcel had taken place around 1966.

Chairman O'Connor asked for any public comments.

John of Multimode located at 3 Choice Road addressed the Board and stated that he had some questions regarding access to the property. After some discussion regarding the road and utilities, Attorney Fahey referred John to the Planning and Zoning Commission's process which would take place if the Zoning Board of Appeals granted the requested variances.

Chairman O'Connor asked for a motion regarding Application #FY14-15-04. A motion was made to approve Application #FY14-15-04, Owner: Richard and Kenneth Rubenstein Trustees of the Charles Rubenstein Revocable Trust, Applicant: John Barberino for a variance for the property located on Choice Road, Map 17, Block 38, Lot 48 approximately 1,530 feet from Ella Grasso Turnpike to reduce the required lot area from 5 acres to 2.49 acres, reduce the minimum frontage from 400 feet to 88.75 feet and reduce the required side yard from 25 feet to 5 feet. Changes to the proposal for the site may require a return to the Board. The variance is not a permit to build. See the Building, Planning and Zoning Department for further requirements. The motion was seconded. All were in favor. The vote was 5 – 0, the motion was approved

- 1. Public hearing on Application #FY14-15-03, Owner/Applicant: David Rutkauski for a variance for the property located at 50 Greenwood Road to construct a breezeway/carport within 8 feet of the side property line and extend asphalt within 7 feet of same side property line, where 12 feet are required.**

David Rutkauski of 50 Greenwood Road was present at the meeting.

Chairman O'Connor asked the Board members for any questions. Mr. Hamilton asked what the depth of the house was. Mr. Rutkauski replied that he did not know, but referred Mr. Hamilton to the plan that had been submitted with his application. Mr. Hamilton pointed out that Mr. Rutkauski was stopping short of the back of his house with the carport; he was going 21 feet. He went on to say that if he were to go back the full 24 feet, he would still require a variance, but it would be a smaller variance. He then pointed out that if Mr. Rutkauski were to go back 6 feet with the proposed carport, he would not require a variance at all. Mr. Rutkauski commented that, if he were to do so, the roof line would then come into play.

Mr. Rutkauski stated that he had just torn down the previous carport a couple of weeks prior to the meeting that evening. Mr. Hamilton asked if there had been a variance for that previous carport. Ms. Rodriguez then asked if the previous carport had been in the same location as the proposed carport and just as large. Mr. Rutkauski replied that the previous carport was in the exact same location as he was proposing the new carport, but that the proposed carport would be wider. Mr. Hamilton asked how much wider the proposed carport would be. Mr. Rutkauski replied that he was going to go from 11 feet wide to 20 feet wide.

Mr. Rutkauski commented that his neighbor's fence was actually located on his property as well as half of his neighbor's shed, but that it did not bother him. He went on to say that he had done nothing but improve his home since he had purchased it in December 2013. In fact he hadn't even moved into the home until March, 2014 because it had been in such deplorable condition when he had purchased it.

Mr. Hamilton asked Mr. Rutkauski if he had any intention on closing in the carport. Mr. Rutkauski replied that he did not.

Chairman O'Connor asked Ms. Rodriguez for any comments. Ms. Rodriguez had no additional comments.

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

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

Chairman O'Connor asked for a motion regarding Application #FY14-15-03. Mr. Hamilton moved to approve Application #FY14-15-03, Owner/Applicant: David Rutkauski for a variance for the property located at 50 Greenwood Road to construct a breezeway/carport within 8 feet of the side property line and extend asphalt within 7 feet of same property line, where 12 feet are required.

Changes to the proposal for the property may require a return to the Board. The variance is not a permit to build. Must see the Building, Planning and Zoning Department for further requirements. Mr. King seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Hamilton moved to adjourn the meeting. Mr. King seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 8:25 pm

Respectfully submitted,

Diane Ferrari
Recording Secretary

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.