

Zoning Board of Appeals
Town of Bridgewater
Bridgewater, CT 06752

December 15, 2015
Minutes of ZBA meeting

Members present: Bill Macgeorge, Walter Hatcher III, Eric Shields, Strother Purdy III, Marc Isolda

Also present: First Selectman Curtis Read, Selectman Leo Null.

Bill Macgeorge asked Strother Purdy to read the legal notice.

Attorney Jeffrey Sienkiewicz, came forward stating he would be speaking on behalf of his client, Paul Garlasco, Neck of the Woods and explained what his client was looking to do. Mr. Sienkiewicz went over each variance request and went into full detail of what Neck of the Woods wanted to do.

Mr. Sienkiewicz asked to clarify when did zoning go into effect in Bridgewater?
Answer: 1967. He referred to the regulations dated 1995, and states he knew that couldn't be when they first adopted.

Mr. Sienkiewicz went over the property itself. The main property is approximately seventeen acres of land. He has seen deeds that say it has existed going back to 1827. It has existed as a separate parcel of land well before zoning.

Prior to 2004, it was owned by a gentleman, named Grey and it was land locked parcel of land. Under the Zoning Regulations it could not be used for any purpose. Because it did not have any frontage on any highway, which is a main problem with the original parcel. After purchasing the property from Bob Grey in 2004, Paul Garlasco believed that Old Town Highway was actually an Old Town Highway that extended beyond the cul de sac that currently exists. It turns out that apparently, when the highway was laid out Bridgewater was part of New Milford in the 1760's. Then when Bridgewater separated from New Milford in around 1856 that road was relocated and never became part of Bridgewater High system.

This information was learned through court action subsequent to 2004. Paul Garlasco bought the property with the intention to build on it. He had the idea that he could get access through what he thought was an ancient highway out to the cul de sac. That effort failed. He solicited help from his neighbor, Susan Hansen. Who has 10 separate described tracks of land in her deed.

In 2007, Susan Hansen conveyed a parcel of land that goes out to the cul de sac. There was still confusion over the status of the strip was, but the deed showed as the right away line. He conveyed the property to his wife, Hanna Anderson in 2009

who was putting in a application for a permit to build a house. There was an application brought to the Planning and Zoning Commission, which was denied.

Mr. Sienkiewicz went on to explain their position. Zoning Regulations can't be interpreted as to allow a person not to use their property for any purpose. That is unconstitutional use of property. Unique parcel of land in this area of town, don't know of any other property that is land locked. So when Zoning Regulations say that pre-existing land can be used for residential purpose providing that they have frontage on the street or that they have access to a street doesn't help this property. Mr. Garlasco basically acquired different parcels of land through his wife, Hanna Anderson, through Neck of the Woods, in order to make this land less non-conforming, and to provide access to a town highway, so he could use it for residential purposes.

Mr. Sienkiewicz went over the variances applied for and why. His client is applying for variances in directly responsive to the findings of the Planning and Zoning Commission. Mr. Sienkiewicz submits for the record, the denial from the Planning and Zoning Commission.

Mr. Sienkiewicz went over the hardships for the variances requested. He stated it is a land locked piece of property that existed when zoning was adopted, and that zoning basically say it can't be used. Mr. Sienkiewicz went on to say that an appraisal has been done and it goes for roughly \$220.00.

What it comes down to, it is unconstitutional for someone not be able to use his property. When Mr. Garlasco bought the property in 2004, he had great expectations for use of the property. Zoning Regulations are destroying the value of this non-usage of his property.

Mr. Sienkiewicz went on to read Section 8-6 of the State Statute (Bridgewater Statute). Mr. Garlasco should be allowed to make use of his property according to the Zoning Regulations. The lot is fully in conformance as articulated in the Zoning Regulations. Mr. Sienkiewicz went over the map and shows what Mr. Garlasco is planning for his single family home and proposed driveway.

Bill Macgeorge asks was this in the original plans? Mr. Sienkiewicz answers: "No, it was not on the original plans."

Questions – from the board.

Mark Isolda – "What is the length of the driveway?" Answer – 1100 ft.

Strother Purdy III – asks for clarification for when Mr. Sienkiewicz states other parcels in this locality for land locked parcels. Answer – locality of this neighborhood.

Questions – from neighbors.

Jeff Grow – 3 Mine Hill – “Did this person who bought the land ten years ago know that this was a land locked , non-buildable piece of parcel?” Mr. Sienkiewicz answers the question.

Peter Foyto – 110 Old Town Highway – asks “ Once it was determined in court, that an abandoned road was not an town road – how does it become his?” Mr. Sienkiewicz answers the question.

Ed Wright – 70 Old Town Highway – “How did the abandoned road become Paul’s, what gives him the right to own what use to be town property?” Mr. Sienkiewicz answers his question.

Sharon Wimberly – Hat Shop Hill – “Was it known when he purchased it that he couldn’t build upon and then he set to buy other property to make it buildable?” “And that he is not going to build on the original parcel, but the other pieces that are going to need variances”. She explains about her own piece of property, and does not expect to try and develop the property. Bill Macgeorge thanks her for her input.

John Lenzycki – 27 Stuart Road – “How long did Bob Grey hold title to the property?” Answer – 1983-2004.

First Selectman Curtis Read – Henry Sanford Road – “Rear lots are not permitted in town?” Mr. Sienkiewicz answers – according to the current Zoning Regulations – “Yes”. “But can’t they be allowed by special permit?” answer “no”. Curtis Read went on to say “ if there’s a hardship I think they can”. Mr. Sienkiewicz explains how he reads the regulations.

Discussion followed.

First Selectman Curtis Read asks “there is an R-2 section of the property and the house is to be built on the R-3 section. Is the applicant willing to say that there’s only going to be one house on the entirety of the lot?” Answer – “the applicant is not to restrict the future options of the property. The intention is to use the property for a single family.

Discussion followed.

Town Attorney – Dolores Schiesel – asks “How is an owner of a rear lot in the town of Bridgewater who is required to get a special permit as opposed to someone who owns any other lot, how is that different hardship for this owner then would it be for any other rear lot owner?” She didn’t hear an answer to the question. Mr. Sienkiewicz answers the question.

Marc Isolda – asks for clarification – “According to when someone comes to ZBA with a hardship it states in Connecticut law that hardships are to be given out on a very limited basis. It also states that “you cannot prevent an owner reasonable use of their land. What constitutes reasonable?” Mr. Sienkiewicz answers the question.

Strother Purdy – relating to Mr. Sienkiewicz and First Selectman Curtis Read’s conversation a few minutes ago – “Are you and your client considering the 22.8 acres of property as a single piece of property?” Mr. Sienkiewicz answers – “the deed says it’s a single piece of property, the regulations say it’s a single piece of property”. Discussion followed.

Peter Foyto – asks “according to the plans – the second structure is a garage?” Answer- “We’re showing a garage, but the regulations allow although not proposing at this time like a guest cottage or studio”. “He would have to get a permit for it”. Mr. Sienkiewicz reads from the regulation.

Bill Macgeorge – asks Mr. Sienkiewicz -” about the points he made regarding the special permit and his objection to it and that they want variances on doing a special permit. That’s an administrative burden and has nothing to do with land”. “You aren’t saying that’s a hardship and the definition how ZBA understands the word hardship?” Mr. Sienkiewicz answers the question.

Bill Macgeorge closes the public portion of the meeting – who makes the motion? Strother makes a motion to close the public portion of the meeting. Eric Shields seconds the motion. All in favor.

Regular meeting –

Old Business – minutes from previous meeting. Eric makes a motion to accept the minutes. Walter seconds the minutes. All in favor. Discussion followed.

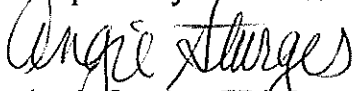
Bill Macgeorge makes a motion to get all information necessary to vote accordingly on this application.

Discussion with Town Attorney, Dolores Schiesel.

Bill Macgeorge makes a motion to move to January 26th meeting. Walter Hatcher seconds the motion. All in favor.

Who makes a motion to adjourn meeting? Eric Shields makes the motion to adjourn, Walter seconds motion. All in favor. Meeting adjourns: 8:57 p.m.

Respectfully submitted:


Angie Sturges, ZBA Secretary