

Zoning Board of Appeals  
May 18, 2010 – Regular Meeting Minutes  
Town Hall – Room #1  
127 Norwich Avenue

**MEMBERS PRESENT:** Chairman Laurie Robinson, Patrick Reading, Michael Solis and Bob Setschinsky; Alternate: Patricia Hayn; Selectman's Liaison: Stan Soby; Staff: Craig Grimord, Assistant Town Planner/Zoning Enforcement Officer; Gail Therian, Clerk

**MEMBERS ABSENT:** Arthur Shilosky

1. **CALL MEETING TO ORDER.**

Chairman Robinson called this meeting to order at 7:04 p.m. Alternate P. Hayn was seated as a voting member.

2. **ADDITIONS TO AGENDA** None

3. **PUBLIC HEARINGS**

C. Grimord read the legal warning as it appeared in The Rivereast Bulletin on May 7 and May 14, 2010.

Chairman Robinson reviewed the ground rules for the hearing

- A. **ZBA#10-015, Colchester Federated Church, Applicant/Owner**, for property located at 60 Main Street, Tax Map # 16-00, Lot #074, R-30A/HPOZ Zone. The parcel is located on the West side of the road at the Southwest corner of the intersection of Main St. (A.K.A. CT Rte. 85) and Linwood Ave. (A.K.A. CT Rte. 16). Applicant is requesting a variance to Section 16.1.11 of 14 Sq. Ft. of sign area, and Section 16.5.1.A, to allow for two free standing signs in a residential zone. The variances are necessary in order to erect a second sign on Linwood Ave. (PH opened 3/16/10, continued to 5/18/2010)

The Public Hearing was opened at 7:09 p.m.

Chairman Robinson noted that the voting members for this application are: L. Robinson, P. Reading, M. Solis and B. Setschinsky and P. Hayn.

The following Record items were added to the Public Hearing Record:

- N. Photo's taken by staff of the Rte. 16 east bound approach to Rte. 85 adjacent to the church.
- O. E-Mail from the applicant dated 4/20/10 requesting a 30-day extension to keep the public hearing open.
- P. Copy of Position Statement addressed to the Colchester Zoning Board of Appeals, dated May 18, 2010 from Atty. Elizabeth K. Adams;
- Q. Detail of proposed sign by BSC Group, dated May 18, 2010

Atty. Elizabeth Adams reviewed the Position Statement that was distributed at this meeting. She explained that the applicant is requesting the variances for the square footage of the sign and to allow two free standing signs in a residential zone. She said the variance is necessary because of the literal enforcement of the Colchester Zoning Regulations which will result in exceptional difficulty and hardship. She said the hardship is unique because of the shape of the property and the positioning of the land on two main roads. She described the parking lot location and the need for proper identification of its entrance. She said that the variance is in accordance with the purpose of the Colchester Zoning Regulations and asked for approval of this application.

Mark Tierney, 46 Stanavage Road, Chairman of the Colchester Federated Church Parking Lot Committee, explained the location and the directional content of the proposed sign.

Discussion followed regarding the new configuration of the parking lot and entrance, the need for identifying the entrance and alternatives to the proposed sign.

Speaking in Favor No one spoke

Speaking in Opposition – No one spoke

**Motion by:** P. Reading  
to close the Public Hearing.  
**Second by** B. Setschinsky  
**Vote:** Unanimous to close. Time: 7:38 P.M.

NANCY A. BRAY  
TOWN ENGINEER

RECEIVED  
COLCHESTER, CT  
2010 MAY 20 PM 1:14

- B. ZBA#09-017, Bartolito Gallitto, Applicant/Owner**, for property located at 289 Chestnut Hill Rd, Tax Map # 03-03, Lot #030-010, R-60 Zone. The parcel is located on the North side of the road, 1400' west of the intersection of Chestnut Hill Rd. and Ridgewood Dr. Applicant is requesting a variance to Section 13.21.2.1 of 7.0' to reduce the front yard setback to 43'. The variance is necessary to allow an already constructed porch to remain in place.  
**(PH to open 5/18/10)**

The Public Hearing was opened at 8:13 p.m.

Chairman Robinson noted that the voting members for this application are: L. Robinson, P. Reading, M. Solis, B. Setschinsky and P. Hayn.

Record items as follows:

- A. ZBA Application for Variance submitted on 4/30/10;
- B. Letter submitted with application for hardship;
- C. Assessors current property card for the parcel;
- D. Tax Assessor's Map showing all the abutting properties within 150' of the subject parcel.
- E. List of names and addresses of the abutters within 150' of the subject property.
- F. Current deed for the parcel;
- G. Copies of the two handicap parking permits and motorized chair;
- H. Copy from As-built Plan dated 1/1987 and revised to 3/16/87. Plan shows new porch addition to the front of the house.
- I. Profile view drawing of the front porch.
- J. Prepared newspaper advertisement for the Rivereast News Bulletin;
- K. Notice sent to the applicant to notify himself and the abutters of Public Hearing date;
- L. Tear sheet from the 5/7/10 edition of the Rivereast News Bulletin;
- M. Tear sheet from the 5/14/10 edition of the Rivereast News Bulletin;
- N. Staff Memo from Craig Grimord, Assistant Planner & ZEO dated 5/12/10;
- O. Mailing receipts for abutting property owner notification. Received 5/10/10;
- P. Letter dated 5/10/10 from Joseph & Ellen Budnick, 294 Chestnut Hill Road;
- Q. Letter dated 5/13/10 from James Bucci, M.D., Colchester Internal Medicine;
- R. Letter and attached pictures dated 5/17/10 from Jody & Amy Barr, 285 Chestnut Hill Road;
- S. Letter dated 5/18/10 from Fred & Kathy Adinolfi, 284 Chestnut Hill Road;
- T. Letter received 5/18/2010 from Thomas Gunning, 291 A Chestnut Hill Road

C. Grimord told the Board members that this application is for a variance to decrease the 50' front yard setback requirement for a flag lot to 43' to allow a newly constructed porch to remain in place. He said that he received a complaint from a neighbor that there was a construction of a porch underway at 289 Chestnut Hill without a permit. After verifying that there was no permit on file, he and the Building Official made a site visit. The porch was under construction and there were other zoning violations noted. Mr. Gallitto was informed of these violations and he did apply for permits and the variance for the setback requirements. The violation pertaining to the setback requirements is in abeyance until a decision regarding the variance is reached.

B. Gallitto, applicant and owner, said that he was unaware that permit were required for this type of construction. He explained the purpose of the porch was to allow his wheel-chair bound sister, living in the 2-family duplex, access to the outside. He said that he has been working on the construction of this porch for approximately five (5) years.

C. Grimord told the applicant that if he has time and date stamped pictures of the house with the porch under construction these should be submitted as part of the Public Hearing Record. Discussion followed regarding the year of the photo on the Assessor's card. C. Grimord will check with the Assessor regarding this date.

#### Speaking in Favor

Vahig Vartanian, 277 Chestnut Hill Road, said he believed that there was a canopy coming out of the house on the road side years ago. He was in favor of the approval of the application.

#### Speaking in Opposition

Jody Barr, 285 Chestnut Hill Road, said that he is opposed to this application because of the noise and activity from the family using the porch. He said he did not believe that the porch had a roof in the past.

Discussion followed on the possible relocation of the porch.

Chairman Robinson acknowledged the receipt of letters received in favor and in opposition of this application:

In favor:

Joseph & Ellen Budnick, 294 Chestnut Hill Road, letter dated May 10, 2010;  
Fred & Kathy Adinolfi, 284 Chestnut Hill Road, letter dated May 18, 2010;  
Thomas Gunning, 291 A Chestnut Hill Road, letter received May 18, 2010

In Opposition:

Jody and Amy Barr, 285 Chestnut Hill Road, letter dated May 17, 2010

**Motion by:** P. Reading

To continue the Public Hearing to the next regularly scheduled meeting on June 15, 2010.

**Second by** B. Setschinsky

**Vote:** Unanimous Time: 8:52 P.M.

**4. Pending Applications**

- A. **ZBA#10-015, Colchester Federated Church, Applicant/Owner**, for property located at 60 Main Street, Tax Map # 16-00, Lot #074, R-30A/HPOZ Zone. The parcel is located on the West side of the road at the Southwest corner of the intersection of Main St. (A.K.A. CT Rte. 85) and Linwood Ave. (A.K.A. CT Rte. 16). Applicant is requesting a variance to Section 16.1.11 of 14 Sq. Ft. of sign area, and Section 16.5.1.A, to allow for two free standing signs in a residential zone. The variances are necessary in order to erect a second sign on Linwood Ave.

Deliberation took place immediately following the Public Hearing.

The Board discussed if the hardship on this application was self imposed. Board members asked C. Grimord about directional signage and the size limitations if this alternative solution was used by the applicant. Chairman Robinson said that she felt there was no objective evidence for the claim that visitors from out of town would be confused as to the identity of the Colchester Federated Church. A discussion followed regarding the possibility of drivers missing the entrance to the parking lot and the use of logos as advertising on signs.

Stan Soby, Board of Selectmen liaison, said that the Board should be consistent with what signage exists in other locations in town.

**Motion by:** B. Setschinsky

To deny ZBA #10-015 Colchester Federated Church request for a variance to erect an additional sign in the parking area due to the fact that the size does not comply with the current Zoning Regulations for footage for signage and the content is advertising and not directional. A hardship has not been demonstrated due to the fact that there is a remedy that is consistent with the current Zoning Regulations.

**Second by** No Second

Chairman Robinson stated that since there was no second to the motion, the motion was not before the Board.

**Motion by:** P. Reading

To deny ZBA application #10-015, Colchester Federated Church, Applicant/Owner, for property located at 60 Main Street., Assessors Map 16-00, Lot #074, R-30-A Zone; for variances to Section(s) 16.1.11 of 14 Sq. Ft. of sign area, and Section 16.5.1.A, to allow for two free standing signs in a residential zone; for the following reasons:

1. The hardship has not been demonstrated on the property that would require advertising signage and a remedy is available that is consistent with the Zoning Regulations for directional signage to be determined by the Town Staff.

**Second by** B. Setschinsky

**Vote:** In favor: L. Robinson, P. Reading, and B. Setschinsky  
In Opposition: M. Solis and P. Hayn

C. Grimord said that staff recommended that the deliberations be continued to the next meeting to allow Board members to review the information.

**Motion by:** P. Reading

To continue the deliberations on ZBA #10-015, Colchester Federated Church to the next regularly scheduled meeting on June 15, 2010.

**Second by** M. Solis

**Vote:** Unanimous

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Public Hearing was continued to the next regularly scheduled meeting of June 15, 2010. No action was taken.

**5. Minutes of Previous Meeting**

**A. Minutes of March 16, 2010 Meeting**

**Motion by:** P. Reading  
to approve the minutes of the March 16, 2010 meeting as written.

**Second by:** M. Solis

**Vote:** Abstentions: P. Hayn; In Favor: L. Robinson, P. Reading, M. Solis and B. Setschinsky **Motion carried.**

Chairman Robinson asked that the Approval of the Minutes of January 19, 2010 be placed on the June 15, 2010 agenda.

**6. New Business**

**7. Old Business**

**8. Zoning Enforcement Officer's Report – March/April 2010**

C. Grimord gave an overview of several of the Enforcement actions and explained the Cease and Desist process.

**9. Correspondence - None**

**10. Adjournment**

**Motion by:** P. Reading  
to adjourn

**Second by:** M. Solis

**Vote:** Unanimous.

Chairman Robinson adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Gail N. Therian, Clerk