

MEMBERS PRESENT: Chairman Laurie Robinson; Patrick Reading, Bob Setschinsky and Jason Radachy;
Staff: Randy Benson, Assistant Town Planner/Zoning Enforcement Officer; Gail Therian, Clerk

MEMBERS ABSENT: Michael Solis

1. CALL MEETING TO ORDER.

Chairman Robinson called this meeting to order at 7:00 p.m.

2. ADDITIONS TO AGENDA None

3. PUBLIC HEARINGS -

- A. ZBA#14-001, Steve Fedus, Applicant/Owner, for property located at upper part of 467 So. Main Street, access on Prospect Street, Tax Map # 18, Lot #064, R-30 Zone. Applicant is requesting a variance to §11.19.7 requirement for private roadways serving a Planned Residential Developments have the main access roadway connecting directly to a collector or arterial street. (Received and Public Hearing opened on 10/21/14, Public Hearing continued to 11/18/14 and 1/20/15 ;)

Copies of the Exhibit List with Items A – R were distributed to the Board Members.

Chairman Robinson asked the members of the audience if anyone had any concerns or comments about the members of the Commission that were seated for the Public Hearing. No comments were made. She went on to explain the Public Hearing procedure. She stated that the voting members for this evening on this application were: L. Robinson, P. Reading, B. Setschinsky, M. Solis and J. Radachy. She told the applicant that the Board was missing one member this evening and explained the options available to him regarding continuing the Public Hearing or closing the Public Hearing and having the Board deliberate and possibly vote at this meeting with only four members.

Stephen Fedus, applicant and owner, said that he was seeking this variance to construct three (3) single floor duplexes for a total of six (6) units with access to the property via a private drive off Prospect Street.

At the last meeting the Board had requested the applicant to provide a detailed site plan showing the entire piece of property and its topography to demonstrate the hardship that exists for the construction of a driveway from South Main Street and the effect on the existing parking on the shopping center. He presented an aerial GIS map showing the topography of the land (Exhibit Item S). He said that three (3) problems exist: grading, hydrostatic pressure and drainage. He presented three (3) colored photos showing soils, steepness of the grade, and retaining wall (Exhibit Item T). He also presented a picture of an existing swale (Exhibit Item U). The Board members expressed concern that the GIS map showing the topography was not detailed enough per their request at the last meeting. Mr. Fedus presented a site plan from a previous addition to the shopping center. (Exhibit Item V). Discussion regarding the construction of the driveway from the Parum Road and Route 85 shopping center took place. Mr. Fedus stated that he felt a number of parking places would need to be eliminated in the shopping center in order to provide a driveway to the proposed development. The Board also asked the applicant to consider other reasonable alternatives for the placement of the driveway and suggested that he provide proof that parking spaces would need to be eliminated in the shopping center in order to provide a driveway to the proposed development. J. Radachy reminded the Board members that a financial hardship could not be considered as a reason for approval of the variance.

Speaking in Favor - No one spoke

Speaking in Opposition –

Scott McGowan, 135 Prospect Street, said that he believes the information requested at the last meeting by the Board members was not provided by the application. He said that according to the Zoning Regulations, the Board cannot consider a financial hardship as a reason for approval of an application.

Noah Patrick Herbin, 31 Westerly Terrace, said he also believed that the applicant did not provide the information requested by the Board at the last meeting.

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Speaking in Favor to those who spoke in Opposition:

Stephen Fedus, owner/applicant, said that he did provide two maps in answer to the Board's request. He did not show the proposed driveway on these plans because he believes he will need to eliminate parking spaces at his commercial site which will make the commercial site non-conforming. Discussion followed regarding the need for further validation on the hardship and the effect of the driveway on the commercial site.

Speaking in Opposition to those who spoke in Favor:

James Segar, 148 Prospect Street, said that he believes that a variance to Section 11.19.7, requiring a private roadway serve a Planned Residential Development have the main access roadway connecting directly to a collector or arterial street, would be contrary to what is allowed. He also expressed concerns about the increase in traffic on a local road.

S. Fedus submitted a letter granting a 65-day extension to close the Public Hearing to the Board (Exhibit Item W.) This will allow him time to consult with an engineer to see if a driveway could be constructed from Route 85 and Route 354. He was also asked to present documentation if any parking spaces will be eliminated on the commercial site.

Motion by: P. Reading
to accept the letter for a 65-day extension to close the Public Hearing from the applicant and to continue the Public Hearing on ZBA#14-001 to the January 20, 2015 meeting.

Second by: J. Radachy

Vote: Motion carried unanimously

Motion by: P. Reading
For the Board members to take five-minute recess

Seconded by: J. Radachy

The Board members took a five minute recess beginning at 8:27 p.m. and the Chairman called the meeting back to order at 8:32 p.m.

- B. ZBA#14-002, Karin Knabel Graphik Identities, Applicant; Michael O'Brien/Owner,** for property located at Keystone Shoppes, LLC of 179 Linwood Avenue, Tax Map # 11, Lot #028, Commercial Zone. Applicant is requesting a variance to § 16.6.7 to install a sign on the side of the building. (Receive and Public Hearing to open on 11/18/14, Public Hearing Closed on 11/18/14;)

R. Benson read the Public Hearing legal notice published in the *Rivereast* on November 7 and November 14, 2014. Copies of the Exhibit List with Items A – N were distributed to the Board Members.

Chairman Robinson asked the members of the audience if anyone had any concerns or comments about the members of the Commission that were seated for the Public Hearing. No comments were made. She went on to explain the Public Hearing procedure. She stated that the voting members for this evening on this application were: L. Robinson, P. Reading, B. Setschinsky, and J. Radachy. She told the applicant that the Board was missing one member this evening and explained the options available to him regarding continuing the Public Hearing or closing the Public Hearing and having the Board deliberate and possibly vote at this meeting with only four members.

K. Knabel, Graphick Identities, applicant, told the Board that she is requesting a variance to allow installation of a second wall sign on the side of the building for Physician One Urgent Care. She said the hardship is the limited visibility of the building. She presented photos from Route 16, traveling east and west and an aerial photo of the site showing the lack of visibility. (Exhibit Item O). Discussion followed regarding other tenants in the building, access to the Urgent Care and signage calculations. R. Benson explained that on a multi-tenant building, the Zoning Regulations allow only one building mounted sign on the side of the building where the entrance is located,

Speaking in Favor - No one spoke

Speaking in Opposition – No one spoke

The Board members discussed the need for visibility for this type of public service for the health and safety of the public. Discussion took place regarding the need for the variance to be specific to this type of service

Motion by: P. Reading
to close the Public Hearing on ZBA#14-002 Karin Knabel Graphik Identities, Applicant; Michael O'Brien/Owner.
Second by: J. Radachy
Vote: Motion carried unanimously

4. Pending Applications -

- A. ZBA#14-001, Steve Fedus, Applicant/Owner,** for property located at upper part of 467 So. Main Street, access on Prospect Street, Tax Map # 18, Lot #064, R-30 Zone. Applicant is requesting a variance to §11.19.7 requirement for private roadways serving a Planned Residential Developments have the main access roadway connecting directly to a collector or arterial street. (Received and Public Hearing opened on 10/21/14, Public Hearing continued to 11/18/14 and 1/20/15 ;)

Motion by: P. Reading
to postpone action on ZBA#14-001 due to the fact that the Public Hearing is still open.
Second by: J. Radachy
Vote: Motion carried unanimously

- B. ZBA#14-002, Karin Knabel Graphik Identities, Applicant; Michael O'Brien/Owner,** for property located at Keystone Shoppes, LLC of 179 Linwood Avenue, Tax Map # 11, Lot #028, Commercial Zone. Applicant is requesting a variance to § 16.6.7 to install a sign on the side of the building. (Receive and Public Hearing closed on 11/18/14)

Motion by: P. Reading
to postpone action on ZBA#14-002 Karin Knabel Graphik Identities, Applicant; Michael O'Brien/Owner to the next regularly scheduled meeting.
Second by: J. Radachy
Vote: Motion carried unanimously

5. Minutes of Previous Meeting – Minutes Regular Meeting October 21, 2014

Motion by: P. Reading
to postpone action of the approval of the minutes of the Regular Meeting of October 21, 2014 until the next regularly scheduled meeting.
Second by: J. Radachy
Vote: Motion carried unanimously.

6. Applications Received: - None

7. Old Business – None

8. New Business/Applications Received

A. Election of officers for 2015

Motion by: P. Reading to postpone action of the Election of officers for 2015 until the next regularly scheduled meeting.
Second by: J. Radachy
Vote: Motion carried unanimously.

9. Zoning Enforcement Officer's Report - None

10. Correspondence None

11. Adjournment

Motion by: P. Reading
to adjourn the meeting at 9:29 p.m.
Second by: B. Setschinsky
Vote: Motion carried unanimously

Gail N. Therian, Clerk