

2012 JUN 22 P 12:09

## Zoning Board of Appeals

### Minutes

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June 19, 2012

The following members were present: Grohs, Gamerdinger, Ackerman, Rayner, Judd, Alt: Scharr, Kuhn, Atty: Ken Antin

On motion by Rayner, seconded by Scharr the minutes of March 20 were approved.

The Board held a hearing on the following cases:

12.2 Gerald G. Bartlett, Jr., 24 Hemlock Terrace, Deep River, CT., 06417, Owner and Appellant and Michael J. Wells, P.O. Box 959, Essex, CT., 06426, Agent, appeal of Zoning Enforcement Agent who denied the use of a Motor Vehicle Dealership and Repair(used) facility located at AM 59, Lot 9 on the westerly side of South Main St. 700 feet distant from the intersection of Kelsey Hill Rd. with South Main St.. Variance of 7B 9.3 and 5.6.3 regulations.

12.3 Ray Galeotti, 16 Grove St., Deep River, CT., 06417, Owner, appeal to add on structure to industrial building, AM 56 Lot 34, located on west side of Grove St., 250 feet distant from the intersection of Grove and Bridge St. Variance of 7A.8.11.M.D, regulations.

On motion by Gamerdinger, seconded by Ackerman, the call was approved.

On motion by Grohs, seconded by Ackerman, Grohs recused himself from 12.2 and Alt. Scharr was appointed. Pat Gamerdinger, Vice Chairman, took over the case 12.2.

Atty. Wells presented the case on behalf of his client. He opened by stating he only was asking for a variance of the 150 front footage which is 5 foot 3 inches short of what is needed. And not 7B9.3 of the regulations. He stated that no additional property could be obtained also that the property at one time was a car dealership, and had a total acreage of more than 7 acres. No one else spoke on behalf of 12.2. Speaking against the variance was Atty. Howard for the ZEO. He informed the ZBA that financial hardship is not to be considered. He also noted a number of reasons for not changing a use of the property as not set forth by the P&Z Board.

ZEO Jefferson clarified reasons for representing the Zoning Board.

David Howard spoke for his mother, Eunice, an abutting owner that she was against the variance.

Dick Smith went over issues and gave reasons why Atty. Howard was present.

Mr. Ackerman spoke that he did not think 5 foot 3 inches is too much to deny the variance

Mr. Judd noted the same. The public portion ended on that note.

After a brief discussion, Ackerman moved, seconded by Judd that a 5 foot 3 inch variance be granted to the 150 foot property required. The motion was approved on a 4 to 1 vote with Jerome Scharr the lone dissenter. The Board noted the following reasons for granting the variance:

1. The variance does not change the general comprehensive plan of zoning.
2. No additional property could be obtained to make the property conforming.
3. The property is in conformance with past site history.
4. Its use is in harmony with the neighborhood..

12.3 Chairman Grohs resumed his seat on the Board. It was noted that the call had been read earlier. No one on the Board recused themselves from this case.

Mr. Galeotti presented the case on his own behalf. He stated that the extra storage space created by the proposed addition will lessen the number of trailer deliveries. Only small delivery trucks will be coming and going to the business. Further he stated that a year ago he could have built a much larger addition without any variance.

Frank Magnotta, an engineer, said that the request was 5900 square feet over the new regulations.

Speaking in opposing the variance was Priscilla Lerner an abutting property owner who read into the record 5 questions that she had concerns with.

Louis Lerner questioned the return of large trailers and the noise they create.

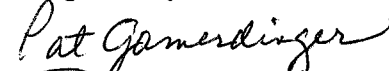
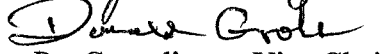
Elisabeth McLean noted the traffic increase that is occurring on Union Street. And the sight of the proposed building as seen from her property.

Board Atty. Autin, who was the only one with a copy of the new regulations, brought to the attention of the Board that they might not have the authority to approve any change.

On motion by Judd, seconded by Gamerdinger it was unanimously voted to continue the case to the July meeting.

Meeting adjourned at 9:23

Respectively submitted,

Pat Gamerdinger, Vice Chairman

Donald Grohs, Chairman