

Zoning Board of Appeals

Minutes

Feb. 4, 2014

The following members were present: Grohs, Judd, Ackerman, Harris, Alt., Coulter, Kuhn, Atty. David Roysten. The Board on motion by Harris, seconded by Judd, the minutes of April 16, 2013 were approved

On motion by Kuhn seconded by Harris, Grohs was elected Chairman and Ackerman Vice chairman for the year 2014.

The Board held a hearing on the following cases:

14-1 Raymond Galeotti, c/o John S. Bennet, Esq. P.O. Box 959, Essex, Ct. 06426, appeal of decision of ZEO Certificate of Zoning Compliance on property located at 16 Grove St. Deep River, CT. 06417, Tax Map 56, Lot #34, Zone IDD.

Receive and consider settlement from George Bartlett as to his lawsuit relating to South Main St. property

The call did appear in the Hartford Courant on Jan 24, and Jan. 29, 2014

14-1 Atty. Bennet presented the case on behalf of his client. He entered exhibits A-H as the fact that no conditions had been added to either the ZBA or Planning and Zoning approvals of the 8400 square foot addition his client had been granted to expand his business.

Mr Galeotti also spoke in favor by giving a history of the original building and the need to over build in case the business grew larger. He also gave evidence about the flower business that he allowed in the 8400 sq. foot. new addition.

Speaking against the proposal was Cathy Jefferson, ZEO, who pointed out that it was not the intent of the Planning & Zoning Comm. to have allowed for any expansion of business other than the one he operated at the time of his appeal. Exhibits 1 and 2 were entered

Atty. Howard spoke also about the conditions that P & Z had applied.

Priscilla Lerner, abutting property owner gave evidence about the number of trucks and cars that had increased and an ad that appeared in a local paper showing the intent of new businesses being allowed on the property. Pictures were entered as exhibits 3-7

Harris asked Atty. Bennet to clarify use of building and approval process.

Grohs asked Mr. Galeotti why he changed the need from his original request for more space.

Ackerman said we are being asked to determine ZEOs land use consideration.

Atty. Roysten said you must determine if ZEOs condition is in error. It was not part of the ZBAs decision last July 12, 2012, nor that of the P & Z minutes.

On motion by Harris, seconded by Kuhn it was unanimously voted to not uphold the decision of the ZEO. The Board finds that the stated condition is in error in that it does not accurately reflect the conditions of the Variance granted on July 17, 2012 by the Deep River Zoning Board of Appeals recorded in Deep River Land Records Volume 223, Page 64 not the stipulations set forth in the approval for a Special Permit/Site Plan Review by the Deep River Planning and Zoning Commission as stated in the Minutes of its meeting held on July 19, 2012.

On advice of counsel Ackerman moved seconded by Harris to go into executive session to discuss the Bartlett case. Upon return Harris moved seconded by Ackerman to take up the case next month. So passed. Meeting adjourned at 10:40 p.m. Respectively submitted,

Donald R. Grohs, Chairman

