

**TOWN OF EAST WINDSOR – ZONING BOAR OF APPEALS**  
**MINUTES OF REGULAR MEETING**  
**APRIL 1, 2013**

The East Windsor Zoning Board of Appeals held a meeting on Monday, April 1, 2013 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members Jose' Giner, Scott Morgan, Dan Nolan, James Stremper, and Thomas Talamini; and Alternate Members Mystica Davis, Nolan Davis, and David Menard. Also present were Richard Pippin, Board of Selectmen liaison to the ZBA, and Town Planner Laurie Whitten. The meeting was called to order at 7:00 p.m. by Chairman Jose' Giner.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as 5 Regular Members and 3 Alternate Members were present.

**NEW BUSINESS: ZBA #2013-02** – Application of William Hansen for Modification to Location Approval under Sec. 14-54 of the CGS for limited repairers licenses and used car dealer licenses at 200 South Main Street. [B-2 Zone; Map 22, Block 5, Lot 80]

Mr. Hansen came forward to discuss his proposal for his leased property. There are currently 4 entities occupying space at this location; Mr. Hansen occupies 2 of the spaces himself and rents 2 spaces to others. There is no difference in the licensees; this plan just shows the specific areas as they are currently occupied.

**MOTION:** To approve **ZBA #2013-02** – the application of William Hansen for Modification to Location Approval under Sec. 14-54 of the CGS for limited repairers licenses and used car dealer licenses at 200 South Main Street. [B-2 Zone; Map 22, Block 5, Lot 80].

Morgan/Talamini/Unanimous

**NEW HEARING: ZBA #2013-03** – Application of Gary W. Moreno for property located at 2 Sunview Drive for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (Front Yard Setback)* to allow an attached garage to be located less than the minimum of 50 feet from the front property lines. [A-1 Zone; Map 19, Block 68, Lot 14-33]

The Secretary read the following Legal Notice, which appeared in the Journal Inquirer on Wednesday, March 20, 2013 and Wednesday, March 27, 2013:

- **ZBA #2013-03** – Application of Gary W. Moreno for property located at 2 Sunview Drive for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (Front Yard Setbacks)* to allow an attached garage to be located less than the minimum of 50 feet from the front property lines. [A-1 Zone; Map 19, Block 68, Lot 14 – 33].

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Appearing to discuss this variance request was Gary Moreno, and his wife, Theresa. Mr. Moreno reported that he and his wife are proposing to add an additional garage on to their home. They would then turn the existing garage into living space for Mrs. Moreno's elderly mother. Mr. Moreno indicated they are asking for a variance as their home is situated on a corner lot, which requires a 50' set back on the side and a 50' set back on the front of the property. Mr. Moreno suggested they are trying to mirror the configuration of the addition at 2 Lindsay Lane.

Mr. Giner questioned how many bedrooms the main house presently contains? Mr. Moreno replied there are 5 existing bedrooms, 4 upstairs and one in the basement which he uses as his office. There are no bedrooms located on the first floor. Mr. Moreno suggested they are proposing the addition in the location shown as they would like to keep the sidewalk to the pool at the back of the property. Mr. Giner questioned was there anything, other than the sidewalk, to prevent adding the garage directly to the existing dwelling? Mr. Moreno replied "not really".

Mr. Giner noted that corner lots present a hardship because of the two front yard setbacks. Normally a developer would try to line the houses up on the street for aesthetics. On this street there are not a lot of houses to line up. Mr. Giner suggested he would rather give the variance on Griffin Road; Sunview Drive is more of an aesthetic issue. Mr. Giner questioned if this living space would include a kitchen? Mr. Moreno replied negatively, noting that the inner wall will be a bathroom wall because of the location of the existing pipes.

Mr. Giner noted there are a lot of neighbors in attendance at this hearing. He noted Zoning Enforcement Officer (ZEO) Newton's memo alludes to zoning violations at the property. Mr. Moreno clarified that he did have violations, but he has moved the vehicles. Mr. Giner questioned if Mr. Moreno has owned the property for some time? Mr. Moreno replied that he and his wife have owned this property for several years. Mr. Giner suggested that he believed there was an issue when Mr. Moreno first owned the house; Mr. Moreno suggested he came in for a variance which was denied. Mr. Giner cited concern that assurances were made 14 or 15 years ago and they were not adhered to.

Mr. Talamini questioned how wide is the existing sidewalk? He suggested if the sidewalk were eliminated it would get the setback to 17'. Mr. Moreno suggested they were trying to avoid having the new structure look better than one long building. Mr. Giner questioned if Mr. Moreno would accept a lesser variance? If the addition were added so that it came straight out by attaching it to the existing house and putting the sidewalk somewhere else the minimum variance would become 17 1/2'. Mr. Stempfner questioned the total square footage of the existing dwelling? Mr. Moreno suggested he has 700 square feet on the first floor and 700 square feet on the second floor.

Town Planner Whitten gave the Commissioners a rendering of the addition attached directly to the home which had been offered by ZEO Newton. She also gave the Commissioners copies of the following letters submitted to the Planning Office: 1) letter from Geraldine D'Agostino addressed to the Town of East Windsor, Attention Denise Menard, First Selectman; and 2) letter from Brian Birse.

The various configurations, and their resulting variances, were discussed.

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Mr. Giner questioned if there was anyone present wishing to speak in favor, or against, this variance request?

**Gerri D'Agostino, 4 Sunview Drive:** reported she has been a neighbor for 16 years; this is not personal; she is in favor of small businesses and writes insurance coverage for them. Mrs. D'Agostino reported she is not opposed to the building but has the following concerns: 1) she wants to be assured it won't be used for the business; 2) she has a visibility issue getting out of her driveway, she doesn't want to go around the block to get out of her property; 3) if Mr. Moreno is allowed to put up this building she would like to see him get rid of the hoop houses, she felt they affect property values. Mrs. D'Agostino submitted photos to support her comments; the photos became part of the hearing file. Mr. Giner suggested that this proposed building wouldn't affect her; Mrs. D'Agostino replied negatively, but indicated it's a safety concern for her daughter. Mr. Giner questioned Town Planner Whitten regarding permits for the other structures? Town Planner Whitten indicated she understood there were building permits for everything.

**Adam Boston, 1 Sunview Drive:** reported he has no objections to the garage, he noted he has had discussions with Mr. Moreno and has been told it will be done in good taste. Mr. Boston wanted the following restrictions put on the variance: 1) that the building won't be used for commercial space, or commercial storage, or commercial vehicles, and 2) that the commercial vehicles housed in the back won't be moved as Mr. Boston feels could happen if this variance is granted. Mr. Giner noted this Commission does not enforce violations. This Commission can't approve a variance based on requiring Mr. Moreno to get rid of his violations; that would be illegal. Mr. Boston noted a third concern with the stop sign on the corner of Griffin Road and Sunview Drive; people blow through that stop sign; he doesn't want the line of sight impacted. Mr. Boston concluded that he has no objection to the building going up as long as it's in the purview of the variance.

**Steven Morse, 34, Griffin Road:** reported he and his wife have lived in the neighborhood for 15 years, the back of the business abuts Mr. Morse's property. Mr. Morse suggested he is sure the addition will be done in good taste, the Moreno's maintain their property. Mr. Morse didn't see the issue with the stop sign; he didn't feel the addition will go that far out. Mr. Morse indicated his mother lives with his family; it's family so it's something you have to do; all of us could be in that situation. Mr. Morse indicated he has no problem with the new building.

**David Stanco, 14 Sunview Drive:** reported he agrees with Gerri (D'Agostino) and Adam (Boston). Mr. Stanco reported he doesn't oppose the building but would rather see option "C" as it would require the minimum variance. He agreed that sometimes people can't see at the 3-way stop sign, and people do blow through it. Mr. Stanco felt the reference to 2 Lindsay Lane wasn't correct as the location is opposite, they wouldn't need the variance. Mr. Stanco also wanted restrictions on the commercial activity.

**Joe Corso, 23 Lindsay Lane:** Mr. Corso noted there is a line of trees on the side of the property that won't be moved, he didn't understand how a building 30' away would be a problem. He noted people keep bringing up the commercial activity and the buildings, that isn't

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a part of this proposal. He believed Mr. Moreno was in compliance with that; why waste time talking about that; why is it even being brought up at this meeting? Mr. Corso didn't feel a garage or the buildings in the back affect property values. Mr. Corso noted Mr. Moreno is a businessman who pays taxes to the Town; we've just cost the Town tax money by making him move the vehicles out of town.

**Brian Birse, 36 Griffin Road:** reported he has lived at his property for 14 years; he sees what goes on there and has lived with it. Mr. Birse reported he doesn't have a problem with the new building but didn't want it to be used for commercial purposes. He looks at that day after day. Mr. Birse reported he tried to sell his house last year and the realtor noted the hoop houses and commercial business next door.

**Adam Boston, 2 Sunview:** reiterated his concerns about the sightline issues.

No one else requested to speak. Mr. Giner asked if Mr. Moreno had any comments; Mr. Moreno replied negatively.

Mr. Giner questioned that the current garage is 24' x 22'? Mr. Moreno replied affirmatively; he noted they would turn that space into a bathroom, bedroom, and small living room. Mr. Moreno noted he has received approval from the North Central Health District, and has reviewed his proposal with staff at Town Hall.

Mr. Giner questioned the Commissioners if they had any additional questions; no one raised any comments.

Mr. Giner queried the audience again.

**Mrs. Elizabeth Hendrickson, 3 Sunview Drive:** submitted a letter at the meeting, which was read by Mr. Giner. Mrs. Hendrickson's letter indicated she had no objection to the new building.

As no other requests to speak were made from the public and the Commissioners Mr. Giner called for motions to close the hearing and take action on the variance request.

**MOTION:** To close the hearing on Application ZBA #2013-03.

Morgan/Nolan/Unanimous

**MOTION:** To approve **ZBA #2013-03** - Application of Gary W. Moreno for property located at 2 Sunview Drive for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (Front Yard Setback)* to allow an attached garage to be located less than the minimum of 50 feet from the front property lines. [A-1 Zone; Map 19, Block 68, Lot 14-33].

Morgan moved/Talamini seconded/

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**DISCUSSION:** Members began discussing the various addition configurations and the set-backs which would be the result of the different layouts. Mr. Giner suggested the Commissioners first decide how they felt about the hardship of the variance request before considering the addition configurations. Mr. Noble suggested he would have to consider if there was a hardship related to the proposed addition, especially as the applicant currently has a garage on the property and has plenty of room in the back with the hoop houses. Mr. Noble didn't feel there was a hardship related to this variance request. Mr. Stremper agreed; he didn't see the hardship to add another garage. Mr. Morgan agreed the issue of the sightline is a concern, but he didn't feel there was a hardship associated with this variance request. Mr. Talamini felt there was a concern for the sightline issue; he didn't feel there was a hardship. Mr. Giner suggested there are many corner lots around town, he felt the applicant had reasonable use of his property. He felt there is enough room within the house to make accommodations for the living space. Mr. Giner noted the variance goes with the land; the hardship can't be a personal rather than practical hardship. Mr. Giner suggested he agreed with the other Commissioners; he didn't feel that this variance request is based on a reasonable hardship.

Mr. Giner called for a vote: In Favor: No one/Against: Unanimous

Mr. Giner noted the request for a variance failed; the Board as a whole doesn't believe a unique hardship exists as the law requires.

**OTHER BUSINESS:**

Mr. Morgan noted he recently attended a training seminar which he found very informative. He noted he received a reference manual which he'll make available to other members. He noted there is another seminar scheduled for April which he plans to attend. Mr. Giner indicated money is available in the budget if other Commissioners would also like to attend the April event.

**PUBLIC PARTICIPATION:** No one requested to speak.

**APPROVAL OF MINUTES/January 7, 2013:**

**MOTION:** To approve the Minutes of January 7, 2013 as presented.

Talamini/Morgan/Unanimous

**ADJOURNMENT:**

**MOTION:** To adjourn this Meeting at 7:52 p.m.

Morgan/Stremper/Unanimous

Respectfully submitted: \_\_\_\_\_  
Peg Hoffman, Substitute Record Secretary, East Windsor Zoning Board of Appeals.