

**CITY OF TORRINGTON
ZONING BOARD OF APPEALS
MINUTES
Tuesday, October 14, 2014**

Present: David Moraghan, Chairman
Kathleen Perrotti, Vice Chair
Marc Trivella, Member
Ken Edwards, Alternate
James Steck, Alternate.

Also Present: Rista Malanca, Zoning Enforcement Officer

Not Present: James Marinelli, Member
Jenn Healy, Member
Alan Diulio, Alternate

Chairman David Moraghan read the legal notice of public hearing which appeared in the Republican American.

1. Call to Order, 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

Chairman Moraghan announced sitting tonight will be James Steck, Marc Trivella, Ken Edwards, Kathleen Perrotti and David Moraghan. Mr. Moraghan outlined the procedure for the public hearing.

- a. Variance
Applicant: Allan Borghesi
Location: 300 Technology Park Drive, Industrial Park Zone
(Assessor Map 245 Block 002 Lot 097)
Section of Zoning Regulations from which variance being requested:
Section 3.1, Subsection 9.32
Variance requested: Construct an additional building of 9,000 sq. ft. for
mini-storage use (mini-storage no longer allowed in IP zone)

MOTION by Ms. Perrotti to open the public hearing, seconded by Marc Trivella, motion unanimously carried.

Allan Borghesi appeared before the Commission and gave a presentation of his proposal to the Board. He explained how the zoning regulations were changed, and this

type use is not allowed in this zone. The Zoning Office accepted his Site Plan application, and then determined this use was not allowed.

In 2004, Mr. Borghesi received approval for eight buildings. This proposed building would be building number seven.

(It is noted that Mr. Borghesi turned in his neighborhood notification receipts)

Mr. Borghesi stated there is no use for this property than what he is proposing, the self storage unit. The City would receive approximately \$11,000.00 a year in taxes, and right now they receive nothing. This variance would not have any negative effects on the City. Eight buildings were previously approved. Mr. Borghesi explained how a driveway would have to be constructed, with the Tennessee gas pipes that are in the vicinity. This is extreme difficulty and there is no other use for that land. If construction is not allowed to proceed, the benefit for the City is nothing. Mr. Borghesi stated this is not setting a precedent for future uses.

Mr. Borghesi stated Ms. Erin Wilson said this would be taking if it did not happen. Mr. Borghesi does a lot with the City of Torrington. No one will be harmed if this variance is granted. Mr. Borghesi agrees this is a taking. Exhibits/photos were distributed by Mr. Borghesi to the Board, and placed in the file.

Mr. Borghesi confirmed with Mr. Moraghan that he received Martin Connor's memo dated October 9, 2014 addressed to this Board.

A lengthy discussion ensued between Board members and Mr. Borghesi.

Mr. Moraghan noted financial considerations cannot be considered in granting a variance.

Ms. Malanca explained the regulations regarding expansion of a non-conforming use. Each existing storage building can be expanded by ten percent. Ms. Malanca noted for the Board's review, is there a hardship? Is there reasonable use of the land? Is this variance for financial gain?

The Board did not want to set a precedent, not necessarily that this situation with a storage facility would ever come up again, but a precedent could be set regarding other uses for a particular parcel to be allowed, despite what the Zoning Regulations are. The Board is looking at the whole parcel and whether or not there is reasonable use of the parcel as a whole, they are not looking at whether there is a reasonable use for just a portion of the parcel.

Mr. Moraghan noted to Mr. Borghesi that this Zoning Board of Appeals is bound by State Statutes and the Zoning Regulations, and it is very difficult for this Board to grant a variance unless certain conditions are met (Mr. Moraghan read portions of the

regulations).

Discussion followed.

Steven Caruso of 58 Clark Street, Torrington, appeared in favor of Mr. Riva's proposal. He is looking at this in a common sense approach and reviewed his thoughts on this application. Mr. Riva should be allowed to finish the project that he started.

Peter Vegaro, adjacent property owner, 1940 Tarringford West Street, appeared before the Commission. Mr. Vegaro was in support of the proposal, minimizing the impact on his land, etc.

American Vantano of Torrington appeared before the Board. He does not see any negative sides to this proposal, only positive sides, the Grand List will increase as well as tax dollars. He would like to see grow and more of this type development.

MOTION by Ms. Perrotti to close the public hearing, seconded by Mr. Trivella, unanimously carried.

Discussion followed amongst Board members and Ms. Malanca.

Mr. Moraghan requested the public hearing be reopened to include additional public comment, Mr. Borghesi was in agreement.

MOTION by Mr. Steck to reopen the public hearing, seconded by Mr. Trivella, unanimously carried.

Further discussion followed between Mr. Borghesi and the Board.

Ernest Riva, owner of All Star Storage appeared before the Board. From 2008 after the economy went sour, Mr. Riva had 300 open units out of 800 and they were struggling, they had no intentions to ask to be build at that time with 300 open units. Since 2009 they have worked hard, advertised, etc. to complete this project by constructing this building. That's why they didn't apply. They really need help to build this 9,000 sq. ft. building.

Discussion followed.

MOTION by Mr. Steck to close the public hearing, seconded by Mr. Trivella, motion carried.

Mr. Moraghan recognizes after the owner's testimony regarding economic conditions in 2008, the financial hardship this matter imposed. Members of the Board stated financial matters cannot be considered.

Discussion/comments by Board members and Ms. Malanca.

MOTION by Mr. Trivella to DENY the Variance based on discussion and the strict rules of granting a variance per Section 8.1.3, seconded by Ms. Perrotti.

Mr. Steck agreed with the motion, AYE

Mr. Trivella stood by his motion.

Mr. Edwards voted against the motion.

Mr. Moraghan voted with the motion.

Chairman Moraghan announced the Variance has been denied, 4 – 1.

2. Announcements:

Mr. Moraghan official introduced Ms. Rista Malanca as the new Zoning Enforcement Officer.

3. Minutes for Approval:

a. 11/12/13

MOTION by Mr. Trivella to approve the 11/12/13, seconded by Ms. Perrotti, motion carried with Mr. Steck noting that he was not present at that meeting.

Mr. Moraghan official introduced Ms. Rista Malanca as the new Zoning Enforcement Officer.

5. Adjournment:

MOTION by Mr. Edwards to adjourn, seconded by Ms. Perrotti, unanimously carried.

Land Use Office
City of Torrington