



# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187

[www.ellington-ct.gov](http://www.ellington-ct.gov)

TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FAX (860) 870-3122

**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
MONDAY, OCTOBER 3, 2016, 7:00 PM  
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**PRESENT:** Chairman Kenneth Braga, Vice Chairman Arthur Aube, Dale Roberson (arrived 7:06 PM), Alternate Ron Brown, Alternate Rodger Hosig, Alternate Ron Stomberg

**ABSENT:** Mort Heidari and Mark Spurling

**STAFF**

**PRESENT:** John Colonese, Assistant Town Planner/ZEO

**I. CALL TO ORDER:**

Chairman Braga called the Zoning Board of Appeals (ZBA) meeting to order at 7:01 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): NONE**

**III. PUBLIC HEARINGS:**

1. V201606 – Sandra Cangemi, owner/applicant for a variance of the Ellington Zoning Regulations Section 3.2.2–Lot Requirements: to reduce the minimum lot size for a two-family dwelling from 60,000 square feet to 36,590 square feet on property located at 10 Cedar Street, APN 168-059-0000 in an R (Residential) Zone.

**TIME:** 7:02 PM

**SEATED:** Braga, Aube, Hosig, Brown, Roberson

Chairman Braga noted this application was continued from last month and that a request for variances to the accessory apartment regulations was submitted by the owner. He recommended denying the variance request for the reduction in lot size for a two-family dwelling as last meeting there wasn't support from the board for this request.

John Colonese, Assistant Town Planner reviewed the application history and added the board must formally act on the request to reduce the minimum lot size for a two-family dwelling.

Chairman Braga asked for comment from the applicant.

Tim Fortune, 48 Post Road, Enfield, came forward for the applicant and represented himself as the builder of the addition. He stated the building permits were approved and he built everything the way it can be seen today, including the kitchen. He added that the project was inspected by the building official and it received a certificate of occupancy (CO). He finds it unfair the owner would have to receive variances at this stage if the addition was approved by the town and they received a CO.

Mr. Colonese stated none of the approvals from the building or zoning department files indicate that an accessory apartment or two-family dwelling were approved or received a CO. The Zoning Permit and CO state the construction was for an addition only.

Mr. Fortune stated he submitted plans to the building department showing a kitchen in the addition. Mr. Colonese noted the building plans have since been purged from the file and that he cannot confirm or deny this statement.

Chairman Braga expressed his concerns with approving a variance for lot size for a two-family dwelling.

Commissioner Aube asked about the date on the building plans submitted with the application. He noted the plans are dated 1/20/08. Mr. Fortune reviewed the plans in front of the board and believes they are the same as the ones approved by the building department.

**MOVED (BRAGA), SECONDED (BROWN) AND PASSED UNANIMOUSLY TO DENY THE PUBLIC HEARING TO THE NEXT REGULAR MEETING FOR V201606(A) – Sandra Cangemi, owner/applicant for a variance of the Ellington Zoning Regulations Section 3.2.2–Lot Requirements: to reduce the minimum lot size for a two-family dwelling from 60,000 square feet to 36,590 square feet on property located at 10 Cedar Street, APN 168-059-0000 in an R (Residential) Zone.**

Chairman Braga read the new legal notice.

V201606(B) – Sandra Cangemi, owner/applicant for a variance of the Ellington Zoning Regulations Section 7.1.A(1,2&5)–Accessory Apartments: to allow an accessory apartment and primary dwelling unit to not be owner occupied and not be occupied by a person 60 years of age or older, and to allow the accessory apartment to be 860 square feet (57% of the floor area of the primary dwelling unit) and have two main entrances on the street side of the structure on property located at 10 Cedar Street, APN 168-059-0000 in an R (Residential) Zone.

Sandra Cangemi, 114 West Shore Road, presented photos to the board showing the exterior of the existing house and the interior mechanicals. She noted they are currently having the well water tested in response to a request from the health department.

Chairman Braga asked about the current occupancy of the main house and apartment. Ms. Cangemi stated the main house is currently rented and the tenant in the apartment has been evicted and will have to move out by the 15<sup>th</sup> of October.

Mr. Colonese reviewed two complaints received from the tenant in the main house. One being smoke traveling through vents between the dwelling and apartment and the other being that the water is not drinkable. He noted the concerns were forwarded to the building and health departments. Ms. Cangemi believes the smoke issue is coming from the tenant

that is being evicted however she is unsure how it is traveling between the units as they do not share heating and cooling duct work.

Mr. Colonese reviewed the variance requests and recommended to the board they be acted on separately. Chairman Braga expressed concerns regarding granting a variance to allow both the main house and apartment to not be owner occupied, but supported the other requests. He supported breaking the requests up separately.

Commissioner Brown asked Ms. Cangemi to explain her hardship to the board. Ms. Cangemi reviewed how health and financial issues have led her to make these requests, specifically the request to allow her to not occupy the main house or apartment.

Commissioner Aube expressed concerns with the water test being incomplete and the smoke issue and suggested a continuation until these items are resolved.

Chairman Braga suggested a motion to continue the application. Ms. Cangemi agreed to a continuation of the application.

**MOVED (AUBE), SECONDED (BROWN) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING FOR V201606(B) – Sandra Cangemi, owner/applicant for a variance of the Ellington Zoning Regulations Section 7.1.A(1,2&5)–Accessory Apartments: to allow an accessory apartment and primary dwelling unit to not be owner occupied and not be occupied by a person 60 years of age or older, and to allow the accessory apartment to be 860 square feet (57% of the floor area of the primary dwelling unit) and have two main entrances on the street side of the structure on property located at 10 Cedar Street, APN 168-059-0000 in an R (Residential) Zone.**

2. V201607 -- Ron Poulin LLC, owner/applicant for a variance of the Ellington Zoning Regulations Section 4.1-Permitted Uses and Uses Requiring Special Permit: to permit the use of a Single Family Dwelling in the C (Commercial) Zone on property located at 55 West Road, APN 019-012-0000.

**TIME:** 7:45 PM

**SEATED:** Braga, Aube, Hosig, Brown, Roberson

Ron Poulin of Ron Poulin LLC came forward for the application and reviewed with the board the request to change the use of the property from commercial to a single family home. He stated that the structure was originally built as a residential home but was converted in the 1990s to a business. He claims the property is difficult to rent to a business due to the limited parking area and insufficient handicap access and believes it is better suited as a single family home. He had hoped to combine and develop this property and the property to the south for commercial use but has been unable to. He plans to do so in the future.

Mr. Colonese reviewed the history of the commercial use of the property and that it was most recently used as a retail store. He confirmed the commercial zone does not allow for single family dwellings and noted the importance of having uses become more conforming with regard to the zone in which they are located.

Mr. Poulin noted the residential neighbors to the north are in favor of it being rented as a single family home.

**MOVED (BROWN), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V201607 – Ron Poulin LLC, owner/applicant for a variance of the Ellington Zoning Regulations Section 4.1-Permitted Uses and Uses Requiring Special Permit: to permit the use of a Single Family Dwelling in the C (Commercial) Zone on property located at 55 West Road, APN 019-012-0000.**

**Hardship: Existing features of structure; residential use of abutting property**

**IV. NEW BUSINESS: (NONE)**

**V. ADMINISTRATIVE BUSINESS:**

1. Approval of the September 12, 2016 Meeting Minutes.

**MOVED (BROWN) SECONDED (ROBERSON) AND PASSED UNANIMOUSLY APPROVE the September 12, 2016 Regular Meeting Minutes as written.**

2. Correspondence/Discussion: NONE

**VI. ADJOURNMENT:**

**MOVED (AUBE), SECONDED (ROBERSON) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 7:54 PM.**

Respectfully submitted,



John D. Colonese