



TOWN OF ELLINGTON

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

PRESENT: Chairman Kenneth Braga, Vice Chairman Arthur Aube, Mark Spurling, Dale Roberson, Mort Heidari, Alternate Ron Brown, Alternate Rodger Hosig, and Alternate Ron Stomberg

ABSENT: None

STAFF

PRESENT: John Colonese, Assistant Town Planner and Savannah Blantz, Recording Clerk

I. CALL TO ORDER:

Chairman Braga called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

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

III. PUBLIC HEARINGS:

1. V201608 – ML Hoffman LLC, owner/applicant for a variance of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback from 100' to 55' for a front porch, ramp and steps at 238 Somers Road, APN 064-028-0000 in a PC (Planned Commercial) zone.

TIME: 7:00 PM

SEATED: Kenneth Braga, Mark Spurling, Arthur Aube, Mort Heidari, and Roger Hosig

Michael Hoffman, owner of ML Hoffman LLC at 238 Somers Road, came before the commission and presented plans for the roof he wishes to install to protect the handicap ramp on the property. The commission concluded that the roof will not infringe upon the road any closer than the existing building.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201608

MOVED (SPURLING), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V201608 – ML Hoffman LLC, owner/applicant for a variance of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback from 100' to 55' for a front porch, ramp and steps at 238 Somers Road, APN 064-028-0000 in a PC (Planned Commercial) zone.

HARDSHIP: The existing location of the structure. Commercial enterprise needs to accommodate disabled individuals.

2. 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. **(CONTINUED FROM 10/3/16)**

TIME: 7:05

SEATED: Kenneth Braga, Ron Brown, Arthur Aube, Dale Roberson, and Roger Hosig

Ms. Sandra Cangemi appeared before the commission and presented photographs of the recently installed water purification system and attic at 10 Cedar Street. Ms. Cangemi's son, Todd Gegesky, also spoke in front of the commission. He stated that the water at this property was tested and the results found high pH levels and high levels of manganese. In response to the high pH levels, he stated that a water softener was installed. Mr. Gegesky also made an effort to clarify with the commission that the attic was not accessible to both occupied spaces of the property as a former disgruntled tenant had stated.

Commissioner Brown asked what type of maintenance will be required of the water purification system. Mr. Gegesky explained that the system will need routine maintenance once a month by mixing soda ash with 5 gallons of water and adding salt. Additionally, Commissioner Brown expressed his concern with maintenance of the system in a non-owner occupied space. Mr. Gegesky explained that the basement in which the water purification system is located has an entry door so therefore it is accessible to be maintained at any time. He also informed the commission that if he is not available to maintain the system, Mr. Steve Neptune, who was also present at the meeting, would be available for maintenance. Commissioner Brown then questioned about the complaints of smoke present in the apartment. Mr. Gegesky stated that complaints of smoke were made by a disgruntled former tenant and there was no possibility of smoke entering the space.

Commissioner Spurling asked if the reason Ms. Cangemi is not currently residing in this space is due to medical conditions. Ms. Cangemi confirmed this.

Chairman Braga asked the commission to share their observations before closing the hearing. He shared that he is not comfortable with a primary dwelling unit or apartment to not be owner occupied. Commissioner Stomberg agreed with Chairman Braga and shared that he disagrees with the creation of two family homes in the neighborhood of 10 Cedar Street.

Vice Chairman Aube stated that he would agree to approve this application because of the approvals from the town. Commissioner Spurling expressed concern for the lack of documentation from the town. Additionally, he suggested that a condition be applied to this application in which if there were a transfer of ownership of this property, owner occupancy in the dwelling would be required and any special conditions made for the current owner would be extinguished.

Commissioner Brown stated he does not know where he stands at the moment.

Commissioner Roberson and Commissioner Hosig stated that they would vote to approve this application. Commissioner Hosig expressed concern that in the future, the town Zoning Regulations are not stringent enough to cover these types of applications when a family member has to move out of an apartment like this.

Commissioner Heidari stated that he agreed with the observations of Chairman Braga.

Chairman Braga assured Mr. Gegesky that each case is based on its own merits and is carefully considered. However, he wants to ensure, regulations are followed and are applied to every case.

MOVED (BRAGA), SECONDED (HOSIG) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201606(B)

MOVED (AUBE), SECONDED (ROBERSON) AND PASSED UNANIMOUSLY TO APPROVE V201606(B) – Sandra Cangemi, owner/applicant for a variance of the Ellington Zoning Regulations Section 7.1.A(5)–Accessory Apartments: to allow 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.

HARDSHIP: Previously approved by a town official.

MOVED (ROBERSON), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V201606(B) – Sandra Cangemi, owner/applicant for a variance of the Ellington Zoning Regulations Section 7.1.A(2)–Accessory Apartments: to allow the accessory apartment to be 860 square feet (57% of the floor area of the primary dwelling unit) on property located at 10 Cedar Street, APN 168-059-0000 in an R (Residential) zone.

HARDSHIP: Previously approved by a town official.

John Colonese, Assistant Town Planner, informed the commission that there is a difference between a two family house and an accessory apartment. He explained that the commission had previously denied this property a variance on lot area for a two family house. Mr. Colonese stated that selling the house with an accessory apartment or the owner occupying the house after obtaining the special permit were other options available to the owner should this variance request be denied.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED (AYE: AUBE, BROWN, HOSIG, ROBERSON / NAY: BRAGA) TO APPROVE V201606(B) – Sandra Cangemi, owner/applicant for a variance of the Ellington Zoning Regulations Section 7.1.A(1)–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 on property located at 10 Cedar Street, APN 168-059-0000 in an R (Residential) zone.

HARDSHIP: Previously approved by a town official.

IV. NEW BUSINESS: NONE

V. ADMINISTRATIVE BUSINESS:

1. Approval of the October 3, 2016 Meeting Minutes.

MOVED (HOSIG) SECONDED (AUBE) AND PASSED UNANIMOUSLY APPROVE the October 3, 2016 Regular Meeting Minutes as written.

2. Correspondence/Discussion: NONE

VI. ADJOURNMENT:

MOVED (AUBE), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 7:42PM.

Respectfully submitted,



Savannah Blantz – Recording Clerk