



TOWN OF ELLINGTON

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**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, APRIL 1, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

PRESENT: Chairman Mark Spurling, Vice Chairman Arthur Aube, Mort Heidari, Mike Swanson, Alternate Ron Brown and Alternate Ron Stomberg

ABSENT: Ken Braga and Alternate Rodger Hosig

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Mark Spurling 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):

Scott Mangold, 119 Webster Road, Union, CT spoke about 110 Sandy Beach Road. He stated there is an existing commercial kennel on the property and he is planning to lease and potentially purchase the property. He explained the property was granted a variance in 1970 to build a 20 kennel building with office, and in 1992 received approval to add a storage shed next to the commercial kennel building. The shed was converted at some point into additional kennels. Mr. Mangold is looking to reconfigure the original building and include kennels in the storage shed to make kennel areas larger for dogs. He would also add an indoor quarantine area for a possible sick dog as it can be required by the state.

John Colonese, Assistant Town Planner, said he reviewed the files and acknowledged the use variance from 1970 for the commercial kennel but did not find a use variance for the additional kennels associated with the shed. He noted that this was an informal discussion for informational purposes only. Mr. Mangold said they would need to apply through the state permitting process for the commercial kennel as well.

Chairman Spurling explained to Mr. Mangold that if he intends to submit a formal application, then it should be detailed showing what was previously allowed in the use variance versus what they plan to do with the property.

III. PUBLIC HEARINGS:

1. V201901 – David O'Hagan, owner / L&S Builders LLC, applicant, request for variance of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback from 100' to 35' for a detached garage at 57 West Road, APN 019-011-0000 in a Commercial (C) zone.

TIME: 7:09 PM

SEATED: Chairman Mark Spurling, Vice Chairman Arthur Aube, Mort Heidari, Mike Swanson, and Alternate Ron Stomberg

David O'Hagan, 57 West Road Ellington, CT and Mike DelConte, L&S Builders, LLC, 28 Tabor Road, Enfield, CT were present to represent the application.

Mr. O'Hagan stated he is looking to erect a two car detached garage next to the existing dwelling for storage of his personal vehicles. He said his residential home exists in a commercial zone which requires a 100 foot setback. He noted the topography of the parcel is steep towards the rear of the property therefore the best location to build a detached garage would be next to the existing dwelling.

Mr. Swanson asked about the driveway leading to the detached garage. Mr. O'Hagan explained they would extend the driveway to the proposed garage and would not be creating an entrance for a second driveway. Mr. Swanson asked about the water runoff. Mr. DelConte said they would create a swale to direct the water runoff towards the road and not towards the neighbor's property. Mr. Colonese advised the applicant to contact CT Department of Transportation for any proposed work within the state's right-of-way. Mr. DelConte also confirmed the detached garage would be in line with the front of the existing dwelling.

MOVED (SPURLING), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201901.

MOVED (SPURLING), SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS V201901 – David O'Hagan, owner / L&S Builders LLC, applicant, request for variance of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback from 100' to 35' for a detached garage at 57 West Road, APN 019-011-0000 in a Commercial (C) zone.

Conditions:

1. Storm water runoff from the detached garage and driveway expansion to be directed towards the road and not onto the abutting property.
2. Detached garage or any portion thereof shall not be closer to the front property line than the existing dwelling.

HARDSHIP: Single family residential dwelling existing in a commercial zone.

2. V201902 – Two Eighty Seven Somers Road, LLC, owner / Don DiFiore, applicant, request for variance of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback on Cider Mill Road from 50' to 40' for a walk-in cooler and freezer unit at 287 Somers Road, APN 083-022-0000 in a Commercial (C) zone.

TIME: 7:18 PM

SEATED: Chairman Mark Spurling, Vice Chairman Arthur Aube, Mort Heidari, Mike Swanson, and Alternate Ron Brown

Don DiFiore, 120 Crystal Lake Road, Ellington, CT was present to represent the application. Mr. DiFiore said he is looking reduce the front yard setback by 10' along Cider Mill Road to

install a walk-in cooler and freezer. The building with the cooler and freezer will be sided and the condenser unit will either be on top of the walk-in cooler and freezer or on the ground. The condenser unit will be screened in order to keep the outside appearance pleasant. He stated the hardship is due to the parcel having three front yards along three different roads.

Mr. Colonese stated Mr. DiFiore is scheduled to be on the agenda of the the Design Review Board on Thursday, April 4, 2019 and the Planning & Zoning Commission on Monday, April 22, 2019 for a specially food store and restaurant with liquor license, use of the existing drive-thru window for pre-order pick-up, outside dining, and addition of the freezer and cooler. Mr. DiFiore added that they plan to have limited indoor and outdoor seating for people to eat onsite if they choose. Mr. Swanson asked about the outside dining location. Mr. DiFiore showed the Board the proposed location to be northwest of the existing building. Mr. DiFiore explained the business will be similar to his business in Rocky Hill, CT.

Richard Allen, 83 Cider Mill Road, Ellington, CT stated he is an abutting neighbor and would appreciate it if the applicant would preserve the nature of the building and neighborhood. Mr. Allen was shown the plan and application. Mr. Spurling added that the proposed addition would be 160 SF.

MOVED (SPURLING), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201902.

MOVED (SPURLING), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE V201902 – Two Eighty Seven Somers Road, LLC, owner / Don DiFiore, applicant, request for variance of the Ellington Zoning Regulations Section 4.2.1-Lot Area, Width & Yard Requirements: to reduce the front yard setback on Cider Mill Road from 50' to 40' for a refrigeration addition at 287 Somers Road, APN 083-022-0000 in a Commercial (C) zone.

HARDSHIP: Property has three front yards.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the November 5, 2018 Meeting Minutes.

BY CONSENSUS, THE BOARD AGREED TO VOTE ON NOVEMBER 5, 2018 MEETING MINUTES AT THEIR NEXT REGULARLY SCHEDULED MEETING.

2. Election of Officers.

MOVED (SWANSON) TO NOMINATE COMMISSIONER SPURLING FOR CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2019.

COMMISSIONER SPURLING ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (HEIDARI) TO NOMINATE COMMISSIONER AUBE FOR VICE CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2019.

COMMISSIONER AUBE ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.

MOVED (SWANSON) SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO ELECT

**COMMISSIONER SPURLING CHAIRMAN AND COMMISSIONER AUBE VICE
CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR 2019.**

3. Correspondence/Discussion: **None**

V. ADJOURNMENT

**MOVED (SPURLING), SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING AT 7:34 PM.**

Respectfully submitted,

Barbra Galovich
Recording Secretary