

**TOWN OF KILLINGLY, CT
ZONING BOARD OF APPEALS
7:00 PM SPECIAL MEETING
JUNE 16, 2016**

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**KILLINGLY TOWN HALL
TOWN OF KILLINGLY
172 MAIN STREET, DANIELSON, CT**

Elizabeth M. Wilson

MINUTES

- I. CALL TO ORDER - Chair, Patrick Garrity called the meeting to order at 7:07 pm
- II. ROLL CALL - Andrew Farner; Paul J. Gazzola, Jr; David Izzo, Sr; and Patrick Garrity. William Menghi absent with notification.

Paul Gazzola made a motion to add to the Agenda the Agenda Addendum regarding a request to authorize Zoning Board of Appeals Chair to sign the map dated May 20, 2016 by Provost & Rovero Inc of 148 Margaret Henry Road, Killingly, CT outlining the approved location for a "General Repairer" as defined by the Connecticut Department of Motor Vehicle, Original hearing date and approval April 13, 1983. Motion second by David Izzo. Motion approved.

- III. ELECTION OF OFFICERS - None.
- IV. CITIZEN PARTICIPATION -- Brief citizen comments regarding items not subject to public hearings may be made at this time. - None.

Patrick Garrity explained to the applicants that due to the fact there are only four board members present at tonight's meeting that a majority vote would be needed in order for their applications to be approved. If any applicant would like to wait until next month to have their application heard hopefully there will be a full Board available.

All applicants present wanted to move forward with tonight's meeting.

- V. PUBLIC HEARINGS
1. Application #16-810 of Brian Wolfe to vary Borough of Danielson Zoning Regulation Section 470, Table A, Dimensional Requirements, to reduce front setback from 25' to 14' for a 8' x 10' landing and stairs. Property located at 14 Gladys St.; GIS Map 180; Lot 85; Medium Density Zone.

ZEO, Karen Clarke gave a brief history of this application as outlined in her Staff Report.

Applicant, Brian D. Wolfe, reviewed his application with the Board. Mr. Wolfe had constructed a front landing of stairs which covered the original cement stairs that were built with the house and were in disrepair and made it difficult for himself and his tenant, who has Parkinson's Disease, to maneuver. He had originally asked the ADA for assistance, however this would require a ramp to be installed.

Ms. Clark explained that this property is an existing nonconforming parcel, the house is currently sitting in the setback area.

The applicant is requesting a front setback from 25' to 14' to allow the landing and stairs to remain. The hardship is the small size of the property in which a two family dwelling was constructed prior to zoning.

Further discussion was heard regarding the waiver request for fees for professional plans. Karen Clark explained that the homeowner found a pin in the rear of the lot and went on that.

Motion by Andrew Farner to close Application #16-810 of Brian Wolfe. Motion second by David Izzo. Motion carried.

2. Application #16-811 of Valerie Sandberg to vary Town of Killingly Zoning Regulation Section 410.2.1b Low Density; Single family dwellings and Section 450, Table A, Dimensional Requirements, to reduce minimum lot area from 40,000 sq. ft. to 30,492 sq. ft. for a single family dwelling without public sewer. Property located at 11 Kenneth Drive.; GIS Map 132; Lot 71; Low Density Zone.

Paul Archer of Archer Surveying representing the Applicant, Valerie Sandberg, and reviewed the application with the Board. Ms. Sandberg is requesting a reduction in the minimum lot size required in the zone from 40,000 sq ft to 30,492 sq ft and allow for a construction of a single family dwelling with a septic system. This lot was created in 1978 by Richard Joly. and does not have access to the sewer line due to the fact that the sewer line is over 200 feet away from this lot which extends off of Maple Street to the lot.

Patrick Garrity asked if an easement request have been requested from the current owners of Lot 78 to Lot 71 for sewer line purposes.

Paul Archer stated that there is no ordinance in the Town that requires property owners to give an easement for sewer hookup reasons.

Patrick Denemy, owner of Lot 78 stated that this would be a 600 foot easement. There is currently an easement on the property, however it does not work for the sewer hookup.

Patricia Denemy, owner of Lot 78 commented that if the Health Department is approving the septic system then she feels it would be a good idea to approve this application.

Mr. Garrity expressed his concern about granting a septic system versus hooking up to the sewer system and feels that it would be a better deal with a right of way and public sewer. He realizes that the sewer system is over 200 feet away, however the future of Kenneth Drive cannot be predicted and there may be sewer hookups in the future on road. He would like to know the sewer authorities current plan to extend sewer lines in this area.

The hardship of this application was reviewed - The town ordinance states that they do not have to tie into the sewer lines because the property is more than 200 feet away and the lot size is too small to put in sewer and also this lot is a non-conforming lot.

Paul Gazzola made a motion to close application #16-811. David Izzo second the motion. Motion carried.

VI. PUBLIC HEARINGS CLOSURE OR CONTINUANCE - None

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

1. Application #16-810 of Brian Wolfe to vary Borough of Danielson Zoning Regulation Section 470, Table A, Dimensional Requirements, to reduce front setback from 25' to 14' for a 8' x 10' landing and stairs. Property located at 14 Gladys St.; GIS Map 180; Lot 85; Medium Density Zone.

Motion by Patrick Farner to approve Application #16-810 of Brian Wolfe, 14 Gladys Street. Approval consisting of the reduction the front setback from 25' to 14'. Section 800.2.1.a - Non-Conforming lot; Section 800.2.1.b - Use of a staircase; Section 800.2.1.c - They did not create this non-conformance; Section 800.2.1.d - There are no special privileges granted to the owner. Second by David Izzo.

Motion to amend the motion by Patrick Garrity to allow a waiver of fees. David Izzo second the motion.

Motion and Amended Motion approved unanimously.

2. Application #16-811 of Valerie Sandberg to vary Town of Killingly Zoning Regulation Section 410.2.1b Low Density; Single family dwellings and Section 450, Table A, Dimensional Requirements, to reduce minimum lot area from 40,000 sq. ft. to 30,492 sq. ft. for a single family dwelling without public sewer. Property located at 11 Kenneth Drive.; GIS Map 132; Lot 71; Low Density Zone.

Motion by Paul Gazzola to approve Application #16-811. Hardship - The town ordinance states that the lot needs to be within 200 feet which this lot is more than 600 feet from a sewer line; the applicant did not create this lot; there are other lots that are adjacent to this lot that have sewer systems; They did not purchase the lot that cannot be hooked up to town sewer however the easement would be well over 200 ft. Patrick Garrity also stated that the current easement is not proportionate to hook up to the sewer system. The current easement that is in place on this property would afflict upon the parcel that has the easement across it. The abutting property owners are in favor of this application. Motion second by David Izzo. Motion carries unanimously.

VIII. NEW BUSINESS (cont.)

3. Application #16-812 of Brian Burns to vary Borough of Danielson Zoning Regulation Section 470, Table A, Dimensional Requirements, to reduce side setback from 15' to 10' for a 4' x 5' bulkhead. Property located at 109 Adelaide St.; GIS Map 199; Lot 58; Borough Residential Medium Density Zone. – **Receive and if application is complete schedule for public hearing Thursday, July 14, 2016**

Applications submitted prior to 4:30 PM, Wednesday, June 15, 2016 will be received by the Board ("date of receipt") on Thursday, June 16, 2016.

Motion by Patrick Garrity to accept the application for public hearing on July 14, 2016. Second by David Izzo. Motion carried unanimously.

4. Request to authorize Zoning Board of Appeals Chari to sign the map dated May 20, 2016 by Provost & Rovero Inc of 148 Margaret Henry Road, Killingly CT outlining the approved location for a "General Repairer" as defined by the Connecticut Department of Motor Vehicles. Original hearing date and approval: April 13, 1983.

ZEO, Karen Clark, reviewed the request with the board members. This property is previously known as Cliff's Auto Body. The house and the auto body are separate parcels of land and the house is not included in the request. Knox's Garage is the current owner. There will be no change in zoning on this parcel. The Department of Motor Vehicles is requesting that a current map be created with the current owner of the property and a member of the board approving and signing the map.

Karen Clark explained that the footprint of the lot is not being changed or increased from the prior owner.

Partner, Richard Gauthier, stated that he and his partner are the owners of Knox's Garage.

Paul Gazzola made a motion to approve based upon the evidence presented to the commission by the ZEO regarding the original certificate of location for Cliff's Auto body, which included:

1. Certificate of location approval dated April 13, 1983;
2. Map "37A" dated December 1, 1986 - Site Plan of Margaret Henry Road
3. May "5354" dated January 20, 2005 - Property Survey of Margaret Henry Road - Lots 2 and 2A
4. Improvement location survey dated May 20, 2016 of 148 Margaret Henry Road which is filed on the land records.

We hereby direct and allow the current Zoning Board of Appeals Chair to sign the stamped Improvement Location survey, Site Drawing Prepared for Knox's Garage & Towing Inc d/b/a Cliff's Auto Body, 148 Margaret Henry Road, Killingly CT dated May 20, 2016 and prepared by Provost & Rovero Inc Civil Engineers; as required by the CT Department of Motor Vehicles.

Second by David Izzo. Motion carried unanimously.

IX. ADOPTION OF MINUTES

1. February 11, 2016 Regular Meeting Minutes - Motion by David Izzo to approve the February 11, 2016 Regular Meeting Minutes as presented. Second by Andrew Farner. Motion carries.

X. CORRESPONDENCE TO THE BOARD - None.

Paul Gazzola commented about the use of easements on properties for sewer line hookup purposes. He would like to know how the WPCA feels about this and feels something should be put in writing or an ordinance. He would like to know their preference.

XI. COUNCIL LIAISON - Lynn LaBerge reviewed some of the current work of the Town Council - A resolution was passed which would not allow lapsing of funds. This would allow for money for plowing if needed. Four resolutions have been passed for the roofs at the schools in town. Two Union agreements have been passed.

XII. ADJOURNMENT - Motion to adjourn the meeting at 8:03 pm was made by David Izzo. Second by Andrew Farner. Motion approved.

Respectfully submitted.

Karen M. Desrosier, Clerk.