

**TOWN OF KILLINGLY, CT  
ZONING BOARD OF APPEALS**

**7:00 PM SPECIAL MEETING  
JANUARY 18, 2018**

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

**MINUTES**

*Elizabeth M. Quisenberry*  
**RECEIVED  
TOWN CLERK, KILLINGLY, CT  
2018 JAN 24 PM 12:21**

- I. **CALL TO ORDER** – Patrick Garrity, Chair, called the meeting to order at 7:02 pm
- II. **ROLL CALL** – Andrew Farner, William Menghi, Paul Gazzola and Patrick Garrity. David Izzo absent with notice.

Jaymie Cellucci will be resigning from his position on the Board.

Others Present – Jonathan Blake – Zoning Enforcement Officer and Lynn LaBerge – Council Liaison.

- III. **CITIZEN PARTICIPATION** – Brief citizen comments regarding items not subject to public hearings may be made at this time.

None.

Patrick Garrity asked the Board to move up items VI. New Business and VII. Adoption of Minutes to give the applicant time to appear before the Board.

Motion by Paul Gazzola to move Items VI. New Business and VII Adoption of Minutes before Item IV. Public Hearings. Motion second by William Menghi. Motion carried unanimously.

**VI. NEW BUSINESS –**

**1. 2018 Zoning Board of Appeals Meeting Dates –**

Motion by Andrew Farner to accept the Zoning Board of Appeals 2018 meeting dates. Motion second by William Menghi. Motion carried unanimously.

**VII. ADOPTION OF MINUTES –**

1. June 8, 2017 Regular Meeting Minutes
2. October 12, 2017 Regular Meeting Minutes

Motion by Andrew Farner to accept the June 8, 2017 and October 12, 2017 meeting minutes as printed with the following correction: June 8, 2017 – IV Public Hearing - Paul Gazzola not Gazzolla. October 12, 2017 – II Roll - Call Paul Gazzola not Pau Gazzola. Second by William Menghi. Motion carried unanimously.

#### **IV. PUBLIC HEARINGS**

- 1. Application #17-819 of Jessica Dudek-Viens to vary Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from street line, from 75' to 55' for 40' x 60' Addition. Property located at 235 Breakneck Hill Road; GIS Map 91 Lot 8; Rural Development Zone.**

**Motion by William Menghi to open the public hearing of Application #17-819 of Jessica Dudek-Viens. Second by Paul Gazzola. Motion carried unanimously.**

**Evan Sigfridson of 125 Fitzgerald Road, Brooklyn Connecticut was present to review the application with the Board on behalf of the applicant, Jessica Dudek-Viens. He stated that in order to build the addition he would need a setback from the street line to 55'.**

**Patrick Garrity asked Mr. Sigfridson if the addition that he is proposing is a house? Mr. Sigfridson stated that it is. Mr. Garrity asked if there is a kitchen in this addition. Mr. Sigfridson confirmed that there will be a kitchen. Mr. Garrity stated that he felt that the application should be for a duplex, not an addition. He felt that if a kitchen is going to be put in, then this is not the right application. Mr. Garrity had to go through this himself. Jonathan Blake, ZEO, commented that this is an addition but it would bump it to a two family. Mr. Garrity stated that once this is done it changes the whole application process. He stated that this application does not say that the building is a duplex. It states that he is putting on an addition. Mr. Garrity stated that he had to change his application when he stated that he was putting in a kitchen on his efficiency addition. He feels that application is incorrect.**

**Jonathan Blake stated that he reviewed this application with the Town Planner and the new Assessor, who does look at things differently than past administrations. Essentially it is a very large in-law apartment. It is larger than what we consider for an accessory dwelling. The way accessory dwelling regulations are written, they are usually detached. This being attached it would bump it into the category of a two family, however we have had this discussion, meaning the ZEO, Assessor and Town Planner regarding the semantics of this application. It is an area in our zoning that is not clearly defined.**

**Mr. Garrity feels that this was the same scenario that he had to go through when his contractor stated a kitchen will be in the proposed efficiency apartment on his home. He had to reapply and pay the application fee twice in order to change the application to duplex. He feels the application needs to be filled out correctly and the wording needs to be made clear.**

**Jonathan Blake stated that as far as he is aware, and he cannot speak for past administration, is that the designation of exactly what the structure is comes usually at the end of construction from the Assessor. In his opinion this would put the cart before the horse.**

**Patrick Garrity feels that Planning & Zoning is going to dictate what the application is being applied for, not the Assessor.**

**Jonathan Blake stated that as far as he is aware right now, this would be considered a two family.**

**Mr. Blake further commented that the PZC has asked staff to look into expanding the accessory dwelling part of the regulations, which is a recent addition, and expand it to include the in-law suite and provide a definition for both. He also stated that he does not feel the regulations state that an additional kitchen is the difference of a two family etc. There is no language that creates this. He was told that this was how the previous Assessor handled this situation.**

Garrity states that he has a tough time handling this application based on his past experience. This needs to be adjusted going forward.

Jonathan Blake asked what would correct this application. Mr. Garrity stated that the application would have to be changed to include the wording of an efficiency apartment with a kitchen.

Mr. Sigfridson stated that it is not an additional house. Jonathan Blake said that he would call it a duplex.

Mr. Garrity asked if we could do an amendment to the application this evening. Jonathan Blake said we could but the applicant would have to sign off on it.

Paul Gazzola asked if this application would be considered a two-family home upon completion? Mr. Blake said it would and he will make sure that all town departments are on the same page.

Patrick Garrity had previously asked former ZEO, Roger Gandolf, to provide a definition to the Board if this situation ever came up to this again. He would like to get this definition for the Board.

Mr. Blake stated that this variance is based on the non-conformance of the existing structure. Whether or not it is deemed as an accessory dwelling is up to the Town Planner who will decide whether the PCZ will hear the application and then the decision by the Assessor.

Mr. Gazzola asked if we have time to ask PCZ for a definition of this? Mr. Blake stated that given the time line of meetings he does not feel that this would be doable. He feels that an amendment to the application tonight would work.

Mr. Garrity stated that the applicant can make an amendment to the application that this will be a duplex on the property and the ZEO can deal with this issue with the planning and zoning.

Jonathan Blake suggested the Board make a motion to amend the application from addition to two-family/duplex and if the applicant is receptive to this, this can be reflected in any kind of legal notice.

Motion by Patrick Garrity to recess the meeting at 7:20 pm for 10 minutes in order to allow Mr. Sigfridson to contact the applicant. Second by William Menghi. Motion carried. (Meeting returned to order at 7:27 pm)

Mr. Sigfridson stated that Jessica Dudek-Viens would like to make the amendment calling it a two family /duplex

Patrick Garrity asked Jonathan Blake if the placard was placed in accordance to the regulations. Mr. Blake confirmed this.

Motion by William Menghi to close Application #17-819 of Jessica Dudek-Viens. Second by Andrew Farner. All in favor. Motion passes.

## **V. UNFINISHED BUSINESS**

1. Application #17-819 of Jessica Dudek-Viens to vary Town of Killingly Zoning Regulation Section 450, Table A, Min. Setback from street line, from 75' to 55' for 40' x 60' Addition. Property located at 235 Breakneck Hill Road; GIS Map 91 Lot 8; Rural Development Zone.

**Motion by Andrew Farner to approve Application #17-819 of Jessica Dudek-Viens to vary Town of Killingly Zoning Regulations from 75' to 55' for a 40' x 60': Hardship: Existing home is a legally non-conforming lot and does not meet setback requirements. In order to put in the duplex, it would be set back to 55'; an amendment is made to the application stating that is it a duplex and not an addition. William Menghi second. All in favor as amended.**

**Paul Gazzola asked Jonathan Blake if the PZC could give a definition to the Board regarding accessory dwellings, single family dwellings, duplex etc. Jonathan Blake stated he will bring this issue to the attention of the Chair and get feedback for the Board.**

- VIII. CORRESPONDENCE TO THE BOARD – Patrick Garrity presented his resignation to the Board effective as of February 1, 2018. Paul Gazzola expressed to Mr. Garrity that is has been an honor serving with him. The remaining Board members, Staff and Council Liaison thanked Mr. Garrity for his service.**
- IX. COUNCIL LIAISON – Lynn LaBerge reviewed the most recent meetings of the Town Council.**
- X. ADJOURNMENT - Motion to close the ZBA meeting at 7:36 pm by Paul Gazzola. Second by William Menghi. Motion carries unanimously.**

**Respectfully Submitted,**

**Karen M. Desrosier  
Clerk**