

**TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS
MINUTES OF REGULAR MEETING
OCTOBER 6, 2014**

The East Windsor Zoning Board of Appeals held a meeting on Monday, October 6, 2014 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Dan Noble and Thomas Talamini; and Alternate Members Robert Yosky and Joe Sauerhoefer (Mr. Sauerhoefer joined the meeting at approximately 7:15 p.m.) The meeting was called to order by Chairman José Giner at 7:03 p.m.

ESTABLISHMENT OF QUORUM:

A quorum was established. When the meeting was called to order three Regular Members and one Alternate Member were present.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

Chairman Giner explained that under State Statutes it takes four votes to grant a variance. With only four members present one negative vote will not grant a variance. He said each of the applicants would have the option of whether they wanted to go forward tonight or wait until the next meeting.

Mr. Talamini read the legal notice as it appeared in publication.

NEW HEARINGS:

ZBA #2014-05 - Application of David Rybinski for property located at 62 Stoughton Road, owned by David L. and Sheree L. Rybinski, for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (Side Yard Setback)* to allow a storage shed to be located less than the minimum required 10 feet from the side property line. [A-1 zone; Map 33, Block 22, Lot 19]

Mr. Rybinski came forward and said that he wished to go ahead with the application tonight. He explained that they have a non-conforming lot size. It is very small at 100' x 150'. They are proposing a 24' x 24' shed that will replace a 20' x 20' tent that is there now. The proposed shed will be 5 feet from the side property line. The shed will be shifted over about 4 feet closer to the house and it won't extend any further than where the tent is now. Mr. Rybinski noted that the shed will be for residential storage, pellets and things like that. It will have 2 doors and will be like a garage structure.

Chairman Giner read a memo from Robin Newton dated 10-6-2014 which states in part: “This lot is a non-conforming lot in terms of bulk and area dimensions. A-1 zones require an acre of land, 175’ of frontage. This lot only has .34 acres of land and 100’ of frontage.”

Mr. Giner opened up the hearing to the public.

Ron Biercz of 59 Stoughton Road said he lives across the street and has no objection to this application.

MOTION: To close the hearing on **ZBA #2014-05**.
Talamini / Yosky / Unanimous

MOTION: To approve **ZBA #2014-05** application of David Rybinski for property located at 62 Stoughton Road, owned by David L. and Sheree L. Rybinski, for a variance of Section 401 *Bulk & Area Requirements – Residential Districts (Side Yard Setback)* to allow a storage shed to be located 5 feet from the side property line where 10 feet is the minimum required. [A-1 zone]
Noble / Yosky / Unanimous

Mr. Giner said there is a hardship with respect to the narrowness of the lot. It would be difficult to meet the setback requirements along that property line.

ZBA #2014-06 – Application of East Windsor Cemetery Association, Inc. for property located on the north side of Cemetery Road, owned by the Town of East Windsor and David A. Tyler Trustee, for a variance of Section 601.3d and 601.3h.2 *Parking Lot Design*, to allow the widening of a 10 foot driveway to 22 feet, resulting in a 0 foot setback from the side property line where 10 feet is required and a 22 foot wide drive where 24 feet is required. [R-3 zone; Map 55, Block 32, Lots 21 & 22]

At this point in the meeting Mr. Sauerhoefer arrived.

Jay Ussery of J. R. Russo & Associates came forward along with Dan Burnham of the East Windsor Cemetery Association. Mr. Ussery referred to plans of the property and explained that they were requesting two variances regarding driveway widths and driveway setbacks. Mr. Ussery noted that the existing driveway which is on the westerly side is about 10 feet wide and is roughly within a foot to a foot and a half along the easterly side of David Tyler’s farm. The driveway is about 200 years old. In order to get enough room for two-way traffic coming through they need to widen the driveway. They have achieved an easement from the Tyler farm in order to do that. They will be paving over the property line using the easement that the Tylers have allowed them to have. Mr. Ussery said rather

than the required setback of 10 feet, the setback would actually be zero. Also in the regulations the driveway configuration looks for a 24 foot wide road. They are not able to widen it to the right side so this driveway will be 22 feet wide. Mr. Ussery said the hardship is that it predates the zoning regulations. Mr. Giner pointed out that they are actually making the driveway less nonconforming.

Chairman Giner opened the hearing to the public. No one wished to speak.

MOTION: To close the hearing on **ZBA #2014-06.**
Talamini / Noble / Unanimous

MOTION: To approve **ZBA #2014-06** application of East Windsor Cemetery Association, Inc. for property located on the north side of Cemetery Road, owned by the Town of East Windsor and David A. Tyler Trustee, for a variance of Section 601.3d and 601.3h.2 *Parking Lot Design*, to allow the widening of a 10 foot driveway to 22 feet, resulting in a 0 foot setback from the side property line where 10 feet is required and a 22 foot wide drive where 24 feet is required. [R-3 zone]
Talamini / Yosky / Unanimous

Mr. Giner said it appears that the hardship has been proven. Moving gravestones would a severe hardship. They have received an easement from the neighbor so that it won't have any impact on the neighbor.

ZBA #2014-07 – Application of Michael Gilchrest for property located at 227 South Main Street, owned by John Galinski, for Location Approval under Section 14-54 of the CGS for a repairer license. [B-2 Zone; Map 12, Block 23, Lot 1-2]

Michael Gilchrest came forward along with the property owner John Galinski. Mr. Gilchrest explained that they are looking to get approval for a repairer's license. He said it will all be indoors. He noted that this is a new building. They will be occupying 3 bays. There is currently a tenant already there that occupies 2 bays. They do auto detailing.

Chairman Giner referred to a memo from Robin Newton dated 10-6-14. It notes that the building in question should be properly known as "229 South Main Street." It also states in part: "The Planning and Zoning Office has met with the applicants and explained to them that due to limited parking spaces on this site and multiple uses, we are recommending that the ZBA place as a condition of the approval a caveat that there shall be NO outdoor parking of vehicles being repaired OR storage of any kind related to this use".

It was noted that this will need site plan approval from the Planning and Zoning Commission. Mr. Giner felt that the parking is something that they should be dealing with.

MOTION: To approve the application of Michael Gilchrest for property located at 229 South Main Street, owned by John Galinski, for Location Approval under Section 14-54 of the CGS for a repairer license. [B-2 Zone; Map 12, Block 23, Lot 1-2] Sauerhoefer / Noble / Unanimous

Mr. Giner said we are just determining whether this is a suitable location. We are not making any judgment as to the adequacy of the parking. That is the jurisdiction of the PZC.

PUBLIC PARTICIPATION

No one requested to speak.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of August, 2014.
Motion by: Talamini Seconded by: Yosky

In Favor: Noble; Talamini; Sauerhoefer; Yosky
Abstain: Giner

ADJOURNMENT:

MOTION: To adjourn. Talamini / Yosky / Unanimous

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Marlene Bauer
Recording Secretary