

# **TOWN OF EAST WINDSOR ZONING BOARD OF APPEALS**

## **REGULAR MEETING**

**Monday, October 4, 2021  
7:00 p.m.**

Meeting available via remote ZOOM Teleconference only  
Meeting ID: 872 9844 5699

## **INFORMAL DISCUSSION**

### **Zoning Board of Appeals**

Jose Giner, Chairman  
Nolan Davis, Vice Chairman  
Mystica Davis  
Dan Noble  
Steve Smith  
Kurt Kebschuell

**ATTENDANCE:** Planning Consultant Michael D'Amato hosted the meeting. Director of Planning and Development/Town Planner Ruthanne Calabrese was present, as were Zoning Board of Appeals Members: Jose Giner, Chairman; Nolan Davis, Vice Chairman; Commissioner Mystica Davis, Commissioner Dan Noble, Commissioner Steve Smith, and Alternate Commissionr Kurt Kebscull were present at the Call to Order.

**ABSENT:** All Zoning Board of Appeals Members were present..

### **I. TIME AND PLACE OF MEETING:**

Chairman Giner called the October 4, 2021 Regular Meeting of the East Windsor Zoning Board of Appeals to Order at 7:05 p.m. via remote access.

### **II. ESTABLISH A QUORUM:**

Chairman Giner noted the Board has established a quorum with five Regular Members present remotely at the Call to Order.

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Chairman Giner questioned if he understood correctly that the Board couldn't vote on any items because the Agenda hadn't been posted properly; Town Planner Calabrese replied affirmatively.

**III. PLEDGE OF ALLEGIANCE:**

Chairman Giner led the Board in the Pledge of Allegiance.

**IV. NEW HEARINGS – None.**

**V. OTHER BUSINESS:**

**1. Election of Officers:**

Chairman Giner noted the Board can't vote on this Items of Business as noted above.

**2. Informal Discussion - South Road Ownership Options – Possible Variance Action:**

*"Pursuant to Section 7-159b of the CT General Statutes, the Board held a preapplication review of the proposed project"*

Planning Consultant D'Amato reviewed his Staff memo, noting that there is a development in Town that's 60+ years old. The development, South Road, was originally constructed by the Army. In 1992, the development transitioned to a non-profit, Creative Housing, Inc., with deed restrictions on annual income which limited affordability. The residents owned the homes, but they could only earn a certain amount of income. The Town became the owner of the property in 2014 through foreclosure.

Planning Consultant D'Amato shared a Site Plan of the development, which depicts 16 single family homes situated on one parcel. The people living in the development pay a monthly fee to the Town to cover association expenses that would have been paid to the Housing Authority. The Town of East doesn't want, nor is it in a position to be a landlord. Planning Consultant D'Amato indicated we have been working on options for the Town to be able to divest the property and sell the land to the property owners. During a recent Legislative session the Department of Housing and State Representatives have worked to have the income restriction removed because East Windsor is above the 10% requirement for C.G.S. 8-30(g) – Affordable Housing.

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Planning Consultant D'Amato indicated the ZBA has been brought into the discussions because the property is a 4 acre parcel containing 16 homes, which is a density of 4 homes per acre, or 4 times the density for any current zone. The goal is to create a subdivision of 16 individual lots which sit under the homes owned by the residents so these become your standard, traditional properties. To do that we need a significant number of variances, including lot size and multiple set-backs for each property.

Planning Consultant D'Amato suggested during previous discussions with the Planning and Zoning Commission, the First Selectman, and Pullman & Comley they really don't feel there would be another appropriate approach, which would make sense and fit with the POCD and other requirements. Planning Consultant D'Amato indicated the Town, as applicant, will be returning to the Zoning Board of Appeals in November to seek 30+ variances. Planning Consultant D'Amato indicated he is before the Board tonight to discuss this approach with you to see if you have any concerns that should be addressed in the application.

Chairman Giner noted the Board can't really tell Staff how they would vote on the applications as that could create FOI problems and be conceived as pre-judging what will become a Public Hearing. He indicated he didn't see a problem with the Town bringing the variance request to the Zoning Board of Appeals through a Public Hearing.

Planning Consultant D'Amato cited the uniqueness of the situation, and indicated he wanted to address any questions regarding the history of the property.

Alternate Commissioner Kebschull indicated he had no comments.

Vice Chairman Davis questioned that previously when the non-profit owned the property he understood the non-profit to be defunct on their taxes. If the Board grants the variance so the homes become their own properties he assumed the property owners would be on their own tax liability as well?

Planning Consultant D'Amato indicated that under the current arrangement the money they pay to the Town for association related expenses is a net wash because it covers what property taxes would be. Planning Consultant D'Amato reported the Town had a public meeting with the homeowners late last year to discuss various options. There will be no cost to the homeowners related to the conveyance of the lot ownership. The Town needs to get all of the homeowners on board with whatever resolution is proposed.

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Commissioner Noble questioned if any of the variances are real problems other than set-backs and lot line issues? Planning Consultant D'Amato noted that not all of the lots are the same size; some lots get smaller depending on their location in relation to the cul-de-sac. He felt the Town will propose a minimum and maximum variance so all the lots will be somewhat standard. Commissioner Noble questioned the current process if a resident made a request to add a shed? Planning Consultant D'Amato indicated if there was nothing in approval of the subdivision the property lines would surround the whole development.

Chairman Giner questioned if Staff had investigated other towns that may have dealt with a similar issue? Planning Consultant D'Amato replied negatively, noting the original concern had been the affordability restriction. Chairman Giner questioned if Staff had considered writing a zoning regulation to address this one parcel? Planning Consultant D'Amato noted the PZC recently went through an application for another property in town which dealt with a similar density. They had felt the density was too dense and felt with this property, the Town shouldn't ask for the same thing as that applicant.

Commissioner Noble cited a similar situation in Niantic, next to the National Guard property. Pine Grove had been developed as 50' x 50' tent lots by the Spiritualist Camp many years ago. The Spiritualist Camp continues to own the property, while the houses are privately owned. Now those lots don't fit any zone.

Chairman Giner suggested Staff set a Public Hearing for November. Town Planner Calabrese questioned if the Town should present one large map that depicts all the properties, or develop a map for each lot? Chairman Giner suggested that because it's going to affect the salability of each lot he felt a separate map might be necessary. Chairman Giner suggested contacting the Town Attorney for guidance; he noted the need to identify each lot so the variances are tied to a specific lot. Planning Consultant D'Amato felt the thought was that if they created the same variance for each property they would be creating a standard for this development. Chairman Giner requested hard copies of the maps be provided for the Commissioners for the November review.

Commissioner Nolan noted the November ZBA meeting is scheduled for the evening before the election; the meeting room may not be available for an in-person meeting. Staff will pursue meeting options before posting the Legal Notice(s).

**VI. PUBLIC PARTICIPATION:**

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No one from the Public participated remotely.

**VII. APPROVAL OF MINUTES/A August 2, 2021:**

The Board took no action on approval of minutes this evening.

**VIII. ADJOURN:**

Chairman Giner adjourned the meeting at 7:29 p.m.

Respectfully submitted

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Peg Hoffman, Substitute Recording Secretary, East Windsor Zoning Board of Appeals