



## TOWN OF EAST WINDSOR

### ZONING BOARD OF APPEALS

11 Rye Street, Broad Brook, CT 06016

860.623.6030 www.eastwindsor-ct.gov

#### Commission

Jose Giner, Chairman  
Nolan Davis, Vice Chairman  
Thomas Talamini, Secretary  
Scott Morgan  
Dan Noble

#### Alternates

Mystica Davis  
Robert Yosky  
Robert Slate

### MINUTES OF REGULAR MEETING (revised)

July 1, 2019

The East Windsor Zoning Board of Appeals (ZBA) held a meeting on Monday, July 1, 2019 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT.

**Regular Members present:** Nolan Davis, Scott Morgan, Dan Noble, Tom Talamini

**Alternate Members present:** Mystica Davis, Bob Yosky

**Staff present:** Rubén Flores-Marzán, Town Planner

**Public present:** Steven Fowler, Ken Sladyk, Christine Sladyk, Dick Pippin, Kathy Pippin

The meeting was called to order by the Vice Chairman, Nolan Davis at 7:01 pm.

- I. ESTABLISHMENT OF QUORUM - A quorum was established as four regular members and two alternate members were present. It was determined that Bob Yosky would be sitting in as a voting member.
- II. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was recited. Mr. Talamini read the Legal Notice as it appeared in publication.

#### III. NEW HEARING

**ZBA #2019-04** – Application of Christine Sladyk for property located at 29A Pasco Drive, for a use variance from Section 503, Permitted Uses in Business & Industrial Districts, of the Zoning Regulations, to convert the first floor from an office to a residential condominium in the B-1 zone. The property is owned by the applicant and is identified as Map 071, Block 19, Lot 096 on the Assessor's Map.

Mr. Davis opened the hearing to the public.

Ken and Christine Sladyk came forward and Mr. Sladyk stated they have a nice office at 29A Pasco Drive. He stated that over about the last two years they had tried to rent it out but have not been able to. He would like to convert the office into a condo. He stated that over the last two years condo fees are \$102.00 a month, taxes are \$1,600.00 a year, sewer is \$600.00 a year and electric and water is \$900.00 a year. He stated they are at a point now where they would like to sell or rent as a condo. He thinks they would have a better chance if it was a condo. He would appreciate if

they could convert it, they have all of the necessary paperwork filled out. He had a plumber come over and all it needs is a shower and a better sink. He stated there is a neighbor across the street upstairs that has a condo and he wants to copy that. He thinks that if the casino comes he thinks that someone from there would like to rent it. He hopes they would rent it either as an office or a condo but that has happened yet. He feels that it would rent easier if it were a condo.

Mr. Talamini asked how many square feet the unit was and Mr. Sladyk stated it was 644 square feet. He then asked if it was even legal size and was told that it was by Mr. Flores-Marzán.

Mr. Davis stated that the hardship claim on the application states that the property is in the far back of the Pasco Common and, as such, is not visible from Route 5 traffic and asked Mr. Sladyk to explain that. He stated that the property is located in the back where it is quieter and it doesn't get as much traffic and isn't visible. He thinks that if it was an office it would be good for an attorney or a small classroom for something like driver's ed. He then stated that it hasn't been rented in two years, they just pay the bills and rent and it just isn't working for them.

Mr. Noble asked if this unit has an apartment upstairs and Mr. Sladyk stated that it does but they only own the bottom unit.

Mr. Talamini asked if the upstairs unit was the same square footage and was told that it was not, the upstairs units are a little bigger. Mr. Sladyk stated that his unit would be perfect for a single person (college student or teacher). He again stated that it was not working as an office.

When asked where they had advertised the space Mrs. Sladyk stated she had listed it on Craigslist, MLS and all the real estate websites.

The Commission stated that the units were set to be condos upstairs and office space down below. They have always been that way and they have never changed. There has never been a variance allowed before in Pasco Commons and it had been tried a number of times. It was stated that it was a hard case to sell.

Mr. Davis stated that in his opinion the hardship claim condition does not necessarily meet the variance criteria that is stipulated in the laws and in Section 903.3 of the variances.

Mr. Talamini stated he agreed and his issue is the parking and Mrs. Sladyk stated that there was a spot designated to that unit. He also stated that it goes against the POCD trying to establish Route 5 as a business corridor. He thinks it just doesn't meet the criteria. When Mr. Sladyk asked even though there are condos already there Mr.

Talamini stated it was zoned for residential up above and business down below. That is how it was sold to the Town when it was built, the Town didn't want condos upstairs and downstairs.

**MOTION:** To close the hearing on **ZBA #2019-04**.

Morgan / Noble / Unanimous

Mr. Noble stated that it was built for a certain purpose and once you change it, it sets a precedence for all the units to change to apartments. This will drive businesses out of the units, they have businesses there for a reason.

Mr. Morgan stated that it was built with the intention of being a combination of residential and business.

**MOTION:** To approve **ZBA #2019-04** – Application of Christine Sladyk for property located at 29A Pasco Drive, for a use variance from Section 503, *Permitted Uses in Business & Industrial Districts*, of the Zoning Regulations, to convert the first floor from an office to a residential condominium in the B-1 zone. The property is owned by the applicant and is identified as Map 071, Block 19, Lot 096 on the Assessor's Map.

Morgan / Talamini / Unanimously Failed

IV. OTHER BUSINESS – None

V. PUBLIC PARTICIPATION –  
No one requested to speak.

VI. APPROVAL OF MINUTES –  
MOTION: To approve the minutes of the April 1, 2019 Special Meeting. Talamini/  
Morgan / Unanimous / Davis Abstained

VII. ADJOURNMENT –  
**MOTION:** To adjourn. Morgan / Yosky / Unanimous  
The meeting was adjourned at 7:18 p.m.

Respectfully submitted,  
Rebecca D'Amicol, Substitute Recording Secretary