

**ZONING BOARD OF APPEALS
MAY 27, 2010
7:30**

Present

Lee Cole-Chu
John Bernier
Gayle Balavender, At.
Kate Bellandese
Sal Crisanti, Alt.
Sandra Kozlowski, Alt.
Mike Mullin

Absent

Becky Nortz

Call to Order: The meeting was called to order at 7:37.

Pledge of Allegiance

M/S/C (Bellandese/Mullin) to seat S. Crisanti for B. Nortz. Vote: Approved Unanimously

Public Hearing(s)

- 1) **#10-03 Gardner Lake Volunteer Fire Co., 429 Old Colchester Road., Salem, CT
Request for variance of Section 4.4.1 of the Salem Zoning Regulations for a reduction of the rear yard setback from twenty-five feet (1992 variance received for a reduction of the rear setback from fifty feet to twenty five feet) to thirty feet due to current construction requirements.
Assessor's Map # 12: Lot #30**

(Note: the Board received mailing receipts from the applicant at the meeting)

J. Savalle, Chief of the Gardner Lake Fire Dept. (GLFD) informed the Board he received an 8-24, conceptual approval from the Planning and Zoning Commission (P & Z). He described the work that is being proposed on the southwest corner of the building. He stated that due to thefts of equipment at the fire house they need secure storage. There will be an addition of 12 x 43 feet to the back of the building for storage purposes. He stated it was the ZEO's opinion that the GLFD needed to come to ZBA first, before going to the P & Z.

The Board looked at the plan provide and noted that Mr. Snarski's land boarded three sides of the property. M. Mullin stated he was assured by

the ZEO that the property behind had been conveyed to the GLFD. He stated the picture provide is a terrible . He questioned what the variance is for; he can not tell what the Board is voting on.

J. Bernier noted that there was a quick claim deed in 2009 that gives the GLFD all of lot #30.

J. Savalle stated that it has been surveyed to verify that all the pins are correct. He stated the Mylar is filed with the town.

M. Mullin stated the map is inadequate to make a decision; the Board should have a complete application with complete plot plan. When he first saw the plan he was concerned, he spoke to the ZEO and was assured the piece of land in the back was quick claimed to the applicant, he is confused looking at the plot plan provided.

S. Crisanti stated that if the ZEO confirmed the remainder of lot 30 was quick claimed then there is enough room for the addition.

J. Savalle stated that he was given a punch list of things to do and he has done everything on the list and if a member of the Board or the ZEO had any questions or concerns they know where to find him.

L. Cole-Chu stated it is not proper for members to discuss the application with the applicant outside the public hearing.

S. Crisanti referred to the large scale map which was submitted with the application, it is the same as the plot plan.

L. Cole-Chu clarified the map predates the quick claim deed..

M. Mullin stated the shaded areas confuse the land record. L. Cole-Chu stated it is because the map which has been submitted with the application predates the quick claim. The shaded area has been resolved by the quick claim deed.

M. Mullin stated that there is nothing showing the vertical plane. What are the actual dimensions of the plan; we do not know how high the addition is.

J. Savalle informed the Board, the addition is not going to be any higher than the existing building. J. Savalle stated that the ZEO should have informed him of the vertical requirement if the Board was going to require it. He stated he is not looking for any special favors because he represents the GLFD.

S. Crisanti stated the map is accurate and now the Board wants the applicant to provide vertical dimensions. The applicant was told what steps to take and he has done that. Does the applicant need to go back and do this process all over again?

M. Mullin states the application is not correct.

L. Cole Chu asked if there were any other witnesses or questions for the applicant.

M. Mullin asked what is the hardship? He noted that a variance is given for a hardship to the land. J. Savalle informed the Board of the thefts the department has experience and the need to safely secure the property of the GLFD

J. Savalle was asked if the addition could go on the front of the bay. He replied that esthetically it would look bad. Also, the apparatus is stored in the front and putting a storage area there would be difficult.

L. Cole-Chu stated that the public safety concern is part of the reason for approving

M/S/C (Crisanti/Mullin) to close the Public Hearing. Vote: Approved. Voting in favor, Cole-Chu, Crisanti, Ballandese, Bernier. Vote for denial, Mullin

M/S/C (Crisanti/Mullin) to grant a variance of section 4.4.1 of the Zoning Regulations for a reduction of the rear yard setback to 20 feet for a one story, approximately 12 feet to the west, by 43 foot extension of the fire engine bay, having the same height and roof line as the existing fire engine bay, based on our finding that to do so is consistent with the purpose and intend of the Zoning Regulations with public safety as served by reasonably necessary expansion of the firehouse and the powers of the ZBA under section 16.1.2 to grant variances so that substantial justice will be done.

Mullin-state what the public safety issue is. The Board has denied many applications for garages with less than what the currant applicant is asking for.

Vote: Approve. In favor, Cole-Chu, Crisanti, Bernier, Mullin, Vote for denial, Bellandese

M. Mullin told the applicant that he should sit with his officers next time to be better prepared on how to fill out an application in the future.

J. Savalle took exception to the comment and stated M. Mullin was bringing his personal opinions into this issue.

G. Balavender left at 8:38

S. Crisanti left at 8:40

The Board took a 10 minute break

M/S/C (Mullin/Bernier) to seat S. Kozlowski for S. Crisanti Vote: Approved Unanimously

2) # 10-04 K. Ceccarelli, PO Box 532, Norwich CT 06360

Request for variances of Section 4.4.1 of the Salem Zoning Regulations for both front and rear setbacks from the required fifty feet. Assessor's Map #21, Lot #46B, 106 Old Colchester Road.

(Note: the Board received mailing receipts from the applicant at the meeting)

The applicant has added a cover over the existing front deck. He did not realize he needed to get a variance for the work. The rear deck was in bad shape so they tore it down and replaced it. Mr. Ceccarelli stated it was the same foot print as the previous deck. He believes he is within the 50 foot setback in the back. The ZEO told the applicant if he was coming in for the front porch then he should come in for the back also. He stated he is within the front setback with the addition of the porch cover.

J. Bernier looked at the plot plan and did not see where the applicant was in the setback on the back of the property.

The applicant stated that he is approximate 48 feet from the front of the deck to the side of the road. L. Cole-Chu stated the property is on a state road which typically has a property line well beyond the paved area. The applicant stated he does not really know where the property line is. The applicant is not the property owner; the property owner is in attendance at the meeting.

L. Cole-Chu stated the problem is the applicant does not know how much of a variance he needs. The applicant replied that all he wants to do is put a cover over an already existing entry way. M. Mullin stated he looked at the property and none of the houses in the neighborhood have an overhang over the front door.

The applicant stated he would remove the overhang.

L. Cole-Chu stated there were two issues, the roof over the front deck and the porch in the back. He asked if the applicant was looking for a retro-active variance for the front. He stated that he was.

As to the back deck, the applicant was unclear if he received a building permit. M. Mullin stated that most towns want to see what is existing before letting the owner replace a deck.

The applicant stated the area from the deck to the back property line was approximately 57 feet. L. Cole-Chu stated it would be a bad precedent for the Board to give a variance when it was not needed. There is a required setback of 50 feet which, the applicant is not within the area.

L. Cole-Chu informed the applicant that state land along the highway can be anywhere from 30-50 from the center of the highway, therefore, there is no way of telling where the property line is without a survey. It was suggested the applicant call the state to see if there is a survey on file. The applicant stated if it was going to be an issue he would get an engineer. L. Cole-Chu told the applicant that there was not enough information to make a decision on the variance for the front overhang.

M/S/C (Bellandese/Mullin) to approve a variance of Section 4.4.1 of the Salem Zoning Regulations' for both front and rear setbacks from the required 50 feet for covering an existing front deck and replacing a deteriorating back deck with a new deck of same dimensions. Vote: Failed Unanimously

Receipt of Applications to set Public Hearing Dates-None

Approval of Minutes- Defer until the next meeting

Old Business -Tabled

New Business-None

M/S/C (Mullin/Kozlowski) motion to adjourn at 9:04. Vote: Approved Unanimously

Respectfully Submitted

**Sue Spang
Recording Secretary**